

NOTICE OF PUBLIC HEARING. In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will hold public hearing on May 8, 2012 at 6:30 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendment to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010. A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, ARTICLE 13, AND SECTIONS 9.4C(a), 9.1D, 9.2D, 9.3D, AND 9.10D, TO REGULATE PAIN MANAGEMENT CLINICS. Copy of the Resolution may be obtained at the office of the Secretary to the County Commission at the Blount County Courthouse, Court Street, Maryville, Tennessee during regular office hours.

APPROVED:

ATTEST:

Jerome Moon
Commission Chairman

Roy Crawford, Jr.
County Clerk

Ed Mitchell
County Mayor

RESOLUTION No. 12-05-005

Sponsored by Commissioners Brad Harrison and Gerald Kirby.

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, ARTICLE 13, AND SECTIONS 9.4C(a), 9.1D, 9.2D, 9.3D, AND 9.10D, TO REGULATE PAIN MANAGEMENT CLINICS.

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 17th day of May, 2012:

WHEREAS, the Legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations in Tennessee Code Annotated Sections 13-7-101, *et seq.*, and

WHEREAS, the Board of Commissioners of Blount County, Tennessee adopted zoning regulations in Resolution 00-06-010 **A RESOLUTION ADOPTING ZONING IN BLOUNT COUNTY PURSUANT TO SECTIONS 13-7-101, *et seq.*, OF THE TENNESSEE CODE ANNOTATED**, and

WHEREAS, it is desired to amend such Resolution to regulate pain management clinics.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF BLOUNT COUNTY, TENNESSEE, to adopt the following:

That Article 13 Definitions be amended to add the following definition:

- PAIN MANAGEMENT CLINIC: A privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve-month period. This definition does not apply to:
- (1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs.
 - (2) A hospital as defined in TCA 68-11-201, including any outpatient facility or clinic of a hospital;
 - (3) Hospice services as defined in TCA 68-11-201;
 - (4) A nursing home as defined in TCA 68-11-201;
 - (5) A facility maintained or operated by this state; or
 - (6) A hospital or clinic maintained or operated by the federal government.

That Section 9.4.C for the C-Commercial District be amended to read as follows:

- C. Uses Permitted as Special Exceptions with Specific Limitations:
- (a) Pain Management Clinics, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, *et seq.*; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 500 feet from any residential structure; clinic property abutting an S-Suburbanizing or R-1-Rural District 1 zoned property (not a public right-of-way) shall be secured from access across property line by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Blount County.

That Section 9.1.D for the S-Suburbanizing District be amended to read as follows

- D. Uses Prohibited: In the S - Suburbanizing District, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics, and all other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.2.D for the R-1-Rural District 1 be amended to read as follows:

D. Uses Prohibited: In the R-1-Rural District 1, adult oriented establishments as defined in TCA 7-51-1101 et seq., and pain management clinics, and all other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.3.D for the R-2-Rural District 2 be amended to read as follows:

D. Uses Prohibited: In the R-2-Rural District 2, adult oriented establishments as defined in TCA 7-51-1101 et seq., and pain management clinics, and all other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.10.D for the RAC-Rural Arterial Commercial District be amended to read as follows:

D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: pain management clinics, and all other uses are prohibited except those uses permitted or permitted as special exception specifically above.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION SHALL BE IN FORCE AND BECOME EFFECTIVE UPON ITS ADOPTION, THE PUBLIC WELFARE REQUIRING IT.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____
County Mayor

Date



State of Tennessee
PUBLIC CHAPTER NO. 340
(Revised – June 16, 2011)
SENATE BILL NO. 1258

By Yager, Tracy, Bell, Southerland, Campfield, Henry, Tate, Overbey, Burks, Johnson

Substituted for: House Bill No. 1040

By Ramsey, Campbell, Powers, Hensley, Evans, Dunn, Harry Brooks, Faison, Todd, Don Miller, Butt, Montgomery, Shipley, Weaver, Maggart, Halford, Haynes, Hall, Favors, Brown

AN ACT to amend Tennessee Code Annotated, Title 63, relative to the regulation of pain management clinics.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, is amended by adding a new part, as follows:

63-1-301. For purposes of this part, unless the context requires otherwise:

(1) "Advanced practice nurse" means any person licensed under Title 63, Chapter 7, who meets the requirements of § 63-7-126.

(2) "Department" means the Department of Health.

(3) "Medical doctor" means any person licensed under Title 63, Chapter 6.

(4) "Osteopathic physician" means any person licensed under Title 63, Chapter 9.

(5) "Pain management clinic" means a privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve-month period; and

(6) "Physician assistant" means any person licensed under Title 63, Chapter 19.

63-1-302. This part does not apply to:

(1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs.

(2) A hospital as defined in § 68-11-201, including any outpatient facility or clinic of a hospital;

(3) Hospice services as defined in § 68-11-201;

(4) A nursing home as defined in § 68-11-201;

(5) A facility maintained or operated by this state; or

(6) A hospital or clinic maintained or operated by the federal government.

63-1-303.

(a) Each licensed healthcare practitioner who provides services at a pain management clinic shall continue to be regulated only by the board which has issued a license to that practitioner.

(b) On or before October 1, 2011, the Commissioner of Health, in consultation with the board of medical examiners, the board of osteopathic examination, the board of nursing, and the committee on physician assistants, shall promulgate rules necessary to implement this part, in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(c) The rules adopted pursuant to subsection (b) may address the following topics, among others:

- (1) The operation of the clinic;
- (2) Personnel requirements for the clinic;
- (3) Training requirements for clinic providers who are regulated by that board;
- (4) Patient records;
- (5) Standards to ensure quality of patient care;
- (6) Infection control;
- (7) Health and safety requirements;
- (8) Certificate application and renewal procedures and requirements;
- (9) Data collection and reporting requirements;
- (10) Inspections and complaint investigations; and
- (11) Patient billing procedures.

63-1-304. Each board shall have the authority to inspect a pain management clinic which utilizes the services of a practitioner licensed by that board. During such inspections, the authorized representatives of the board may inspect all necessary documents and medical records to ensure compliance with this part and all other applicable laws and rules.

63-1-305. Each board shall have the authority to investigate a complaint alleging a violation of this part, or a rule adopted under this part, by a pain management clinic utilizing the services of a healthcare practitioner licensed by that board. Each board shall also have the authority to investigate a complaint alleging that a facility utilizing the services of a healthcare practitioner licensed by that board is not properly certified by the department as required by this part.

63-1-306.

(a) A pain management clinic, as defined in this part, must have a medical director who is a physician that practices in this state under an unrestricted and unencumbered license issued pursuant to § 63-6-201 or § 63-9-104.

(b) In the event that the medical director, for whatever reason, no longer meets the requirements of this part, the pain management clinic must notify the department, within ten (10) business days, of the identity of another physician who meets the requirements of this part and will act as medical director. A change of majority ownership of a certified pain management clinic requires the submission of a new application for a certificate. Failure to notify the department within ten (10) business days may be the basis for a summary suspension of the clinic's certification.

(c) Every pain management clinic shall submit an application to the department, on a form prescribed by the department, for a certificate to operate the clinic.

(d) Each clinic location shall be certified separately regardless of whether the clinic is operated under the same business name, ownership or management as another clinic.

(e) The department shall issue a certificate if the department finds that the pain management clinic meets the requirements of this part and that the fee required by the department has been paid.

(f)(1) If the department finds that a pain management clinic which was issued a certificate no longer meets any requirement of this part, including, but not limited to, any violation of any rule promulgated by the department pursuant to this part, the department may impose lawful disciplinary action against the pain management clinic, including, but not limited to, the revocation or suspension of its certificate, and the imposition of a civil penalty of up to one thousand dollars (\$1,000) per day for each day of continued violation. The pain management clinic shall be entitled to a hearing pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. Further, the department has the discretion to lift the suspension of a certificate when the clinic demonstrates compliance to the department.

(2) Any board which assesses any discipline or penalty against a provider that it licenses for a violation of rules promulgated under this part shall inform the department of any penalty or discipline imposed on such a provider for a violation of rules promulgated under this part within thirty (30) days of imposing the discipline or penalty, and the department may consider such discipline or penalty as a basis for disciplinary action against the pain management clinic pursuant to this subsection (f).

(g) The clinic shall post the certificate in a conspicuous location so as to be clearly visible to patients.

(h) The department is authorized to charge a fee for the issuance of a certificate.

(i) The department and each board identified in § 63-1-303(b) shall post on its Web site an announcement of the requirement that a pain management clinic obtain a certificate from the department, and each board identified in § 63-1-303(b) shall include information about such requirement in a routine communication sent by each board to its licensees.

(j) A pain management clinic operating on or before the effective date of this act may continue to operate as long as an application for certification is timely filed within thirty (30) days after the department has published the application form.

(k) The department shall have the authority to adopt rules, including emergency rules if deemed necessary, to implement the provisions of this part for which the department has responsibility.

63-1-307.

(a) A certificate issued under this part expires on the second anniversary of the date it is issued.

(b) The department may grant to a pain management clinic a ninety-day grace period from the expiration date of its certificate to renew the certificate.

(c) No pain management clinic whose certificate has expired may continue to operate or provide pain management services following the expiration of the grace period.

63-1-308.

(a) A pain management clinic may apply to renew its certificate by:

(1) Submitting a renewal application to the department on the form and in a time frame prescribed by the department; and

(2) Complying with any other requirements of the department.

(b) If a certificate is not renewed before the expiration of the grace period, the clinic must reapply for a new certificate to operate the clinic and is not authorized to operate while such new certificate application is pending.

63-1-309.

(a)(1) In the application for a certificate or within ten (10) days of the occurrence of any of the events listed in (A) – (C) below, a pain management clinic shall disclose whether any person who owns, co-owns or operates, or

otherwise provides services in the clinic, an employee of the clinic, or a person with whom the clinic contracts for services:

(A) Has ever been denied, by any jurisdiction, a license under which the person may prescribe, dispense, administer, supply or sell a controlled substance;

(B) Has ever held a license issued by any jurisdiction, under which the person may prescribe, dispense, administer, supply or sell a controlled substance that has been restricted; or

(C) Has ever been subject to disciplinary action by any licensing entity for conduct that was the result of inappropriately prescribing, dispensing, administering, supplying or selling a controlled substance.

(2) The department may deny a certificate or renewal of a certificate to a pain management clinic under any of the circumstances listed in subdivision (a)(1).

(b) A pain management clinic may not be owned wholly or partly by a person who has been convicted of, pled nolo contendere to, or received deferred adjudication for:

(1) An offense that constitutes a felony; or

(2) An offense that constitutes a misdemeanor, the facts of which relate to the distribution of illegal prescription drugs or a controlled substance as defined in § 39-17-402.

(c) If any practitioner providing services at a pain management clinic dispenses or prescribes more than a seventy-two hour dose of controlled substances for the treatment of chronic nonmalignant pain, the practitioner must document in the patient's record the reason for prescribing or dispensing that quantity.

(d) A medical director shall be on-site at least twenty percent (20%) of the clinic's weekly total number of operating hours.

63-1-310.

(a) A pain management clinic may accept only a check, credit card or money order in payment for services provided at the clinic, except as provided in § 63-1-310(b).

(b) A payment may be made in cash for a co-pay, coinsurance or deductible when the remainder of the charge for the services will be submitted to the patient's insurance plan for reimbursement.

63-1-311.

(a) A violation of this part, or a rule adopted under this part, is grounds for disciplinary action against a practitioner providing services at a pain management clinic certified under this part by the board which licensed that practitioner.

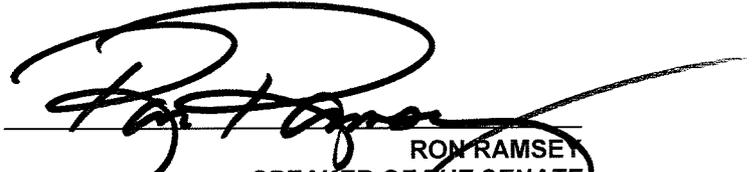
(b) A practitioner who provides pain management services at an uncertified pain management clinic is subject to an administrative penalty of one thousand dollars (\$1,000) per day, imposed by the board which licensed that practitioner, in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. Before such a penalty may be assessed by the board, the board shall give at least thirty (30) days notice to the practitioner of the alleged violation of this part.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 3. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on January 1, 2012.

SENATE BILL NO. 1258

PASSED: May 19, 2011



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 16 day of June 2011



BILL HASLAM, GOVERNOR



Public Chapter No. 340
(Revised – June 16, 2011)

RON RAMSEY
SPEAKER OF THE SENATE

M. SCOTT SLOAN
CHIEF ENGROSSING CLERK

Senate Chamber
State of Tennessee

OFFICE OF THE CHIEF ENGROSSING CLERK

State Capitol, G-1
Tennessee General Assembly
Nashville, Tennessee 37243
(615) 741-1306

June 16, 2011

The Honorable Tre Hargett
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

An engrossing error has been discovered in Senate Bill No. 1258/House Bill No. 1040 (assigned Public Chapter No. 340). The bill passed the Senate on April 21, 2011, and passed the House as amended May 9, 2011. The Senate concurred in the House amendments on May 19, 2011.

The Speakers of the Senate and House signed the bill and it was transmitted to the Governor on May 20, 2011. The Governor signed Senate Bill No. 1258/House Bill No. 1040 on May 30, 2011.

Attached is a corrected version of Senate Bill No. 1258/House Bill No. 1040. It was signed by the Speaker of the Senate and the Speaker of the House on June 16, 2011.

The corrected version was transmitted to the Governor and signed by him on June 16, 2011.

Please destroy the previous copies of Senate Bill No. 1258/House Bill No. 1040 received by your office.

With best wishes, I remain

Yours truly,

M. Scott Sloan
Chief Engrossing Clerk



State of Tennessee
PUBLIC CHAPTER NO. 869

SENATE BILL NO. 2587

By Yager

Substituted for: House Bill No. 2724

By Ramsey

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 1, relative to the regulation of pain management clinics.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-1-301, is amended by deleting subdivision (5) in its entirety and by substituting instead the following:

(5) "Pain management clinic" means a privately-owned facility in which a majority of the facility's patients, seen by any or all of its medical doctors, osteopathic physicians, advanced practice nurses with certificates of fitness to prescribe, or physician assistants, are provided pain management services by being prescribed or dispensed, opioids, benzodiazepines, barbiturates, or carisoprodol, but not suboxone, for more than ninety (90) days in a twelve (12) month period; and

SECTION 2. Tennessee Code Annotated, Section 63-1-302, is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs, including, but not limited to, clinics that have an agreement to train residents by members of that clinic who are appointed as adjunct faculty of the school or program;

SECTION 3. Tennessee Code Annotated, Section 63-1-302, is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) A hospital as defined in § 68-11-201, including any outpatient facility or clinic of a hospital if such outpatient facility or clinic is regulated under Title 68;

SECTION 4. Tennessee Code Annotated, Section 63-1-306, is amended by deleting subdivision (j) in its entirety and by substituting instead the following:

(j) A pain management clinic operating on or before January 1, 2012, may continue to operate as long as an application for certification is timely filed on or before October 1, 2012. This provision shall apply retroactively to applications for certification filed since January 1, 2012.

SECTION 5. Tennessee Code Annotated, Section 63-1-309, is amended by adding the following at the end of subdivision (a)(2):

An applicant who is denied a certificate or a renewal of a certificate may appeal the decision in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 6. Tennessee Code Annotated, Title 63, Chapter 1, is amended by adding the following new section:

63-1-312.

(a) If, prior to the renewal of a certificate pursuant to § 63-1-308, a registered pain management clinic wishes to voluntarily inactivate its certificate, it shall file notification with the department. The notification shall state the date on which the pain

management clinic did or will cease to operate as a pain management clinic (the inactive date). In no case shall a certificate be considered inactivated on any date on which the clinic operated or will operate as a pain management clinic. No fees will be refunded as a result of the filing of an inactivity notice.

(b) The department may charge a fee to process inactivity notices received from pain management clinics.

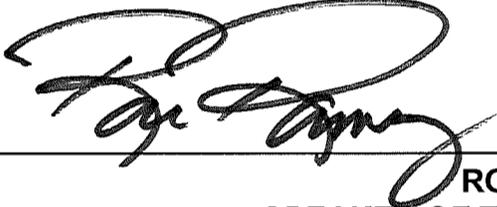
(c) This section shall not be used to circumvent enforcement or inspection activities conferred by this part to the department or a board for any alleged offense occurring during the time the pain clinic was registered or was required to be registered as a pain management clinic.

(d) If the pain management clinic thereafter wishes to register, it shall submit a new application, pay the requisite registration fee and meet such other reasonable requirements as deemed necessary by the department as if an original application was filed.

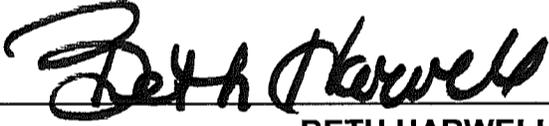
SECTION 7. This act shall take effect on becoming law, the public welfare requiring it.

SENATE BILL NO. 2587

PASSED: April 12, 2012



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 1st day of May 2012



BILL HASLAM, GOVERNOR

Think Quality - Think Future

Blount County Planning Department

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Maryville, TN 37804-5906
Tel (865) 273-5750 - FAX (865) 273-5759
e-mail - planning@blounttn.org
on-line - www.blounttn.org/planning/

TO: Blount County Planning Commission

FROM: John Lamb

DATE: February 15, 2012

SUBJECT: Recommendation for amendments to the zoning regulations to address Pain Management Clinics.

At the January regular meeting, staff noted that the State Legislature passed a bill that established regulations for pain management clinics, to take effect January 1. Staff noted that other jurisdictions were considering additional regulations through zoning, including Rockford and Knoxville. The Planning Commission requested that staff return with recommendation on possible zoning regulations for pain management clinics.

The Planning Commission should consider three things in developing a set of zoning regulations for pain management clinics. First, what are pain management clinics? Second, is specific regulation of pain management clinics warranted to protect the public health, safety and welfare? Third, how should regulations be integrated into the present zoning regulations, including specific regulation provisions and specific zone or zones of application?

State statutes (see attached for reference) TCA 63-1-301(5) provides a definition of pain management clinic as follows:

"Pain management clinic" means a privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve-month period.

The differentiation of this type of clinic from other medical establishments is provided by exclusions in State statutes as follows:

63-1-302. This part does not apply to:

- (1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs.
- (2) A hospital as defined in Section 68-11-201, including any outpatient facility or clinic of a hospital;
- (3) Hospice services as defined in Section 68-11-201;
- (4) A nursing home as defined in Section 68-11-201;
- (5) A facility maintained or operated by this state; or
- (6) A hospital or clinic maintained or operated by the federal government.

For zoning purposes, the above resolves to a specialized land use devoted to prescribing and/or dispensing of drugs for long term use by patients to manage pain. The link between land use and protection of the public health, safety and welfare is the potential for abuse of prescription drugs, and a concentration of point of access to such drugs in a specialized use such as a pain management clinic. The legal drug abuse problem in Tennessee has been documented in a report by Satish Kedia, PhD, Institute for Substance Abuse Treatment Evaluation (I-SATE), The University of Memphis entitled "Prescription Drug Abuse: A Public Health Issue in Tennessee" which may be found at <http://www.isate.memphis.edu/Reports/PrescriptionDrugs.pdf>. In addition, the fact that the State of Tennessee has defined the use and applied specific regulation provides support for considering the use as a special focus for zoning to protect the public health, safety and welfare.

Within the structure of zoning in Blount County, a pain management clinic may be allowed as a permitted use in several zones. The most direct avenue for permitted use is in the C-Commercial District Section 9.4 as follows:

- A. Permitted Uses: ... Medical and general offices, e.g., dentists, physicians, attorneys, real estate, insurance, etc.; ... Hospitals, clinics, and other medical facilities;

The RAC – Rural Arterial Commercial District Section 9.10 also may allow the use as follows:

- A. Permitted Uses: ... office of a physician, dentist, or other similar medical professional; ...

The S-Suburbanizing District Section 9.1 may allow the use as a special exception by reference to permitted uses in the C-Commercial District as follows (underlined for emphasis):

C. Uses Permitted as Special Exceptions with Specific Limitations: Any commercial activity not specifically identified in sub-sections A or B above and which is allowed as a permitted use in the Commercial District in Section 9.4.A, provided that any such use shall be located only with access and frontage on an arterial or collector status road as specified on the Major Road Plan of any regional planning commission within the county as registered with the Register of Deeds office, and provided that any such use shall be conducted on a lot or tract of at least one acre, that any such use shall be housed in a structure with footprint no greater than 4,000 square feet and no greater than two stories, and that buffering of the use from surrounding residential land shall be constructed and maintained. Indoor Sport Shooting Range (subject to provisions and requirements in Section 7.13).

The Planning Commission needs to consider strategy for accommodating pain management clinics within at least one zone, possibly with conditions. The most appropriate avenue for applying conditions is through the special exception process, which allows more focused regulation of a use including specific location requirements within the zone.

Probably the most appropriate zone to allow pain management clinics would be the C-Commercial District which already allows this type or similar type of use. Consideration may also be given to the RAC-Rural Arterial Commercial District, but the Planning Commission may wish to consider not allowing the use in rural areas of the county. The Planning Commission may wish to consider not allowing the use under any circumstances in any of the predominantly residential zones – S-Suburbanizing, R-1 and R-2.

The following amendment language is provided as an example of how pain management clinics could be addressed in the Blount County zoning regulations.

That Article 13 Definitions be amended to add the following definition:

PAIN MANAGEMENT CLINIC: A privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve-month period. This definition does not apply to:

- (1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs.
- (2) A hospital as defined in TCA 68-11-201, including any outpatient facility or clinic of a hospital;
- (3) Hospice services as defined in TCA 68-11-201;
- (4) A nursing home as defined in TCA 68-11-201;
- (5) A facility maintained or operated by this state; or

(6) A hospital or clinic maintained or operated by the federal government.

That Section 9.4.C for the C-Commercial District be amended to read as follows:

C. Uses Permitted as Special Exceptions with Specific Limitations:

(a) Pain Management Clinics, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, *et seq.*; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 300 feet from any residential structure; clinic property abutting an S-Suburbanizing or R-1-Rural District 1 zoned property (not a public right-of-way) shall be secured from access across property line by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Blount County.

That Section 9.1.D for the S-Suburbanizing District be amended to read as follows

D. Uses Prohibited: In the S - Suburbanizing District, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics, and all other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.2.D for the R-1-Rural District 1 be amended to read as follows:

D. Uses Prohibited: In the R-1-Rural District 1, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics, and all other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.3.D for the R-2-Rural District 2 be amended to read as follows:

D. Uses Prohibited: In the R-2-Rural District 2, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics, and all other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

Section 9.10.D for the RAC-Rural Arterial Commercial District be amended to read as follows:

D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: pain management clinics, and all other uses are prohibited except those uses permitted or permitted as special exception specifically above.

Think Quality - Think Future

Blount County Planning Department

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Maryville, TN 37804-5906
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e-mail - planning@blounttn.org
on-line - www.blounttn.org/planning/

TO: Blount County Commission

FROM: John Lamb

DATE: February 24, 2012

SUBJECT: Recommendation from Blount County Planning Commission for amendments to the zoning regulations to address Pain Management Clinics.

At the February regular meeting, the Planning Commission made the following recommendation for amendments to the zoning regulations for pain management clinics.

That Article 13 Definitions be amended to add the following definition:

PAIN MANAGEMENT CLINIC: A privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve-month period. This definition does not apply to:

- (1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs.
- (2) A hospital as defined in TCA 68-11-201, including any outpatient facility or clinic of a hospital;
- (3) Hospice services as defined in TCA 68-11-201;
- (4) A nursing home as defined in TCA 68-11-201;
- (5) A facility maintained or operated by this state; or
- (6) A hospital or clinic maintained or operated by the federal government.

That Section 9.4.C for the C-Commercial District be amended to read as follows:

C. Uses Permitted as Special Exceptions with Specific Limitations:

- (a) Pain Management Clinics, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, *et seq.*; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 500 feet from any residential structure; clinic property abutting an S-Suburbanizing or R-1-Rural District 1 zoned property (not a public right-of-way) shall be secured from access across property line by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Blount County.

That Section 9.1.D for the S-Suburbanizing District be amended to read as follows

- D. Uses Prohibited: In the S - Suburbanizing District, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.2.D for the R-1-Rural District 1 be amended to read as follows:

- D. Uses Prohibited: In the R-1-Rural District 1, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.3.D for the R-2-Rural District 2 be amended to read as follows:

- D. Uses Prohibited: In the R-2-Rural District 2, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

Section 9.10.D for the RAC-Rural Arterial Commercial District be amended to read as follows:

- D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: pain management clinics. All other uses are prohibited except those uses permitted or permitted as special exception specifically above.

Think Quality - Think Future

Blount County Planning Department

Blount County Courthouse - 327 Court Street
Maryville, TN 37804-5906
Tel (865) 273-5750 - FAX (865) 273-5759
e-mail - planning@blounttn.org
on-line - www.blounttn.org/planning/

TO: Blount County Planning Commission

FROM: John Lamb

DATE: April 17, 2012

SUBJECT: Amendments to the zoning regulations to address Pain Management Clinics - new wording to conform to new state legislation.

At the February regular meeting, the Planning Commission made recommendation for amendments to the zoning regulations for pain management clinics. Since that time, the Tennessee State Legislature amended the basic statutes defining and regulating pain management clinics. In order to insure consistency between state statutes and our local regulations, the following are proposed as revised amendments.

That Article 13 Definitions be amended to add the following definition:

~~PAIN MANAGEMENT CLINIC: A privately owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve month period.~~

PAIN MANAGEMENT CLINIC: A privately-owned facility in which a majority of the facility's patients, seen by any or all of its medical doctors, osteopathic physicians, advanced practice nurses with certificates of fitness to prescribe, or physician assistants, are provided pain management services by being prescribed or dispensed, opioids, benzodiazepines, barbiturates, or carisoprodol, but not suboxone, for more than ninety (90) days in a twelve (12) month period.

This definition does not apply to:

~~(1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs.~~

- (1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs, including, but not limited to, clinics that have an agreement to train residents by members of that clinic who are appointed as adjunct faculty of the school or program;
- ~~(2) A hospital as defined in TCA 68-11-201, including any outpatient facility or clinic of a hospital;~~
- (2) A hospital as defined in § 68-11-201, including any outpatient facility or clinic of a hospital if such outpatient facility or clinic is regulated under title 68;
- (3) Hospice services as defined in TCA 68-11-201;
- (4) A nursing home as defined in TCA 68-11-201;
- (5) A facility maintained or operated by this state; or
- (6) A hospital or clinic maintained or operated by the federal government.

That Section 9.4.C for the C-Commercial District be amended to read as follows:

- C. Uses Permitted as Special Exceptions with Specific Limitations:
 - (a) Pain Management Clinics, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, *et seq.*; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 500 feet from any residential structure; clinic property abutting an S-Suburbanizing or R-1-Rural District 1 zoned property (not a public right-of-way) shall be secured from access across ~~property lines~~ **such abutting property lines** by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Blount County.

That Section 9.1.D for the S-Suburbanizing District be amended to read as follows

- D. Uses Prohibited: In the S - Suburbanizing District, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.2.D for the R-1-Rural District 1 be amended to read as follows:

- D. Uses Prohibited: In the R-1-Rural District 1, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.3.D for the R-2-Rural District 2 be amended to read as follows:

D. Uses Prohibited: In the R-2-Rural District 2, adult oriented establishments as defined in TCA 7-51-1101 et seq., and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

Section 9.10.D for the RAC-Rural Arterial Commercial District be amended to read as follows:

D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: pain management clinics. All other uses are prohibited except those uses permitted or permitted as special exception specifically above.

AGENDA
BOARD OF COMMISSIONERS AGENDA COMMITTEE MEETING
Tuesday, May 8, 2012, 6:30 p.m.
Room 430, Blount County Courthouse

A. ROLL CALL.

B. PUBLIC INPUT ON ITEMS ON THE AGENDA.

C. APPROVAL OF AGENDA COMMITTEE MINUTES:

1. April 12, 2012 meeting.

D. SETTING OF AGENDA.

E. ITEMS FOR CONSENT AGENDA.

1. Resolutions for special recognitions.
2. Acceptance of resignation by James Kyker from the Blount County Veterans Affairs Committee. (Jerome Moon)
3. Appointments:
 - a. Solid Waste Authority – Matt Pacifico. (County Mayor)
 - b. Blount County Fire Protection District - *Information Only* (County Mayor)

F. UNFINISHED BUSINESS:

1. Resolution to consider, without recommendation from Budget Committee, to amend General County Budget - \$2,042.00. (Jerome Moon)
2. Resolution to consider, without recommendation from Budget Committee, to amend General County Budget - \$10,697.00. (Jerome Moon)
3. Resolution to amend the zoning resolution of Blount County, Tennessee, amending sections 7.3, 7.11.A, 9.3.G, 9.3.F, and adding a new section 9.3.I, addressing ridge-top and hillside development in the R-2 zone. (Gordon Wright)

G. NEW BUSINESS:

1. Budget Transfers.
2. Budget Increases.
3. Other Budget Items.
4. Resolution authorizing the submission of application of a litter and trash collection grant. (Steve Samples).
5. Resolution to amend the zoning resolution of Blount County, Tennessee, Article 13 and sections 9.4C(a), 9.1D, 9.2D, 9.3D, 9.10D, to regulate Pain Management Clinics. (Gordon Wright)
6. Resolution exposing United Nations Agenda 21. (Peggy Lambert)
7. Resolution to approve a Private Act relating to Hotel-Motel Taxes and a Tourism Board and approving the creation of a Tourism Development Authority. (Mike Lewis)

H. PUBLIC INPUT ON ITEMS NOT ON AGENDA.

I. ADJOURNMENT.



**STATE OF TENNESSEE
COUNTY OF BLOUNT**

BE IT REMEMBERED that a meeting of the Agenda Committee of the Blount County Board of Commissioners was held on Thursday, April 12, 2012 at 6:30 pm at the courthouse in Maryville, Tennessee.

Roll call was taken by Rhonda Pitts, Deputy County Clerk/Commission Secretary:

Tonya Burchfield - present	Roy Gamble - absent	Peggy Lambert - present
Tab Burkhalter - present	Tom Greene - present	Mike Lewis - absent
Rick Carver - present	Brad Harrison - absent	Kenneth Melton - present
Mike Caylor - present	Mark Hasty - present	Jerome Moon - present
Gary Farmer - present	Scott Helton - present	Monika Murrell - present
Jim Folts - present	Gerald Kirby - present	Steve Samples - present
Ron French - absent	Holden Lail - present	Gordon Wright - present

There were 17 present and 4 absent. Chairman Farmer declared a quorum to exist. The following proceedings were held to-wit:

IN RE: MARCH 6, 2012 MEETING MINUTES.

Commissioner Lambert made a motion to approve the minutes. Commissioner Helton seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - absent	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: SETTING OF AGENDA.

Commissioner Moon made a motion to set the agenda. Commissioner Lambert seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - absent	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTIONS FOR SPECIAL RECOGNITIONS – PROCLAMATION HONORING COULTER FLORISTS AND GREENHOUSES and PROCLAMATION HONORING NEW HOPE CHILDREN’S ADVOCACY CENTER.

Commissioner Helton made a motion to forward the proclamations to the April County Commission agenda. Commissioner Lail seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - absent	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: APPROVAL OF RESULTS OF MARCH 6, 2012, ELECTION.

Commissioner Melton made a motion to forward the results of the March 6, 2012, election to the April County Commission agenda. Commissioner Carver seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - abstain	Gamble - absent	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 16 voting yes, 1 abstaining, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: BOARD OF EQUALIZATION APPOINTMENTS.

Commissioner Lambert nominated Bob Ivens to the Board of Equalization. Commissioner Moon seconded the nomination.

Commissioner Moon nominated Jim Wilkerson to the Board of Equalization. Commissioner Hasty seconded the nomination.

Commissioner Helton nominated Peter B. Lequire to the Board of Equalization. Commissioner Burkhalter seconded the nomination.

Commissioner Folts nominated Larry Campbell to the Board of Equalization. Commissioner Murrell seconded the nomination.

Commissioner Carver nominated Bill Lowe to the Board of Equalization. Commissioner Helton seconded the nomination.

Commissioner Samples made a motion that nominations cease. Commissioner Moon seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - absent	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes and 4 absent. Chairman Farmer declared the motion to have passed.

Commissioner Lambert made a motion to send the nominations of Bob Ivens, Jim Wilkerson, Peter B. LeQuire, Larry Campbell, and Bill Lowe to the Board of Equalization to the agenda of the April County Commission meeting. Commissioner Burchfield seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - absent	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: BLOUNT COUNTY CHILDREN'S HOME BOARD OF DIRECTORS APPOINTMENT.

Commissioner Helton made a motion to send the appointment of Tom Greene to the Blount County Children's Home Board of Directors to the agenda of the April County Commission meeting. Commissioner Kirby seconded the motion.

A vote was taken on the motion:

Burchfield - yes	Caylor - yes	French - absent	Harrison - absent
Burkhalter - yes	Farmer - yes	Gamble - absent	Hasty - yes
Carver - yes	Folts - yes	Greene - abstain	Helton - yes

Kirby - yes	Lewis - absent	Murrell - yes
Lail - yes	Melton - yes	Samples - yes
Lambert - yes	Moon - yes	Wright - yes

There were 16 voting yes, 1 abstaining and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTION REGARDING THE ADDITION OF AN ADDITIONAL PORTION OF WESTSIDE PARK DRIVE TO THE OFFICIAL ROADS LIST FOR BLOUNT COUNTY, TENNESSEE.

Commissioner Burkhalter made a motion to forward the resolution to the April County Commission Agenda. Commissioner Burchfield seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - absent	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

**IN RE: BUDGET TRANSFER – GENERAL COUNTY FUND - \$5,000.00.
BUDGET TRANSFER – HIGHWAY/PUBLIC WORKS FUND - \$20,000.00.
BUDGET INCREASE – GENERAL PURPOSE SCHOOL FUND - \$3,790.00.**

Commissioner Burkhalter made a motion to send the budget items to the agenda of the April County Commission meeting pending approval by the Budget Committee. Commissioner Lambert seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - absent	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: A RESOLUTION AUTHORIZING THE LEASE UNDER TENNESSEE CODE ANNOTATED 7-51-904 OF AN OFFICE COPIER FOR THE ANIMAL SHELTER OFFICE OF BLOUNT COUNTY.

Commissioner Samples made a motion to send the resolution to the agenda of the April County Commission meeting. Commissioner Lambert seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - absent	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTION TO IMPLEMENT PROCESS FOR THE COUNTY LEGISLATIVE BODY TO PROHIBIT PARKING ON ROADWAYS UNDER THE JURISDICTION OF BLOUNT COUNTY, OUTSIDE THE LIMITS OF MUNICIPALITIES, AND OTHER THAN A FEDERAL AID OR STATE HIGHWAY, WHEN SUCH PARKING IS DANGEROUS TO THOSE USING THE HIGHWAY OR INTERFERES WITH THE FREE MOVEMENT OF TRAFFIC.

Commissioner Helton made a motion to send the resolution to the agenda of the April County Commission meeting. Commissioner Lambert seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - absent	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - no	Helton - yes	Moon - yes	

There were 16 voting yes, 1 no, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: PETITION TO CLOSE AN EASEMENT OFF KENDRA DRIVE IN WOODTHRUSH SUBDIVISION.

Commissioner Lambert made a motion to send the petition to the agenda of the April County Commission meeting for sending to the Planning Commission. Commissioner Wright seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - absent	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: REQUEST FOR PERMISSION FOR THE HIGHWAY DEPARTMENT TO NEGOTIATE AN AGREEMENT WITH THE NATIONAL PARK SERVICE TO MAKE CERTAIN REPAIRS TO DAMAGE TO THE ROAD PROVIDING ACCESS TO THE SHERIFF DEPARTMENT'S NEW COMMUNICATIONS TOWER LOCATED NEAR THE LOOK ROCK OBSERVATION TOWER OFF THE FOOTHILLS PARKWAY.

Commissioner Moon made a motion to forward the request to the April County Commission Agenda. Commissioner Caylor seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - absent	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, AMENDING SECTIONS 7.3, 7.11.A, 9.3.G, 9.3.F, AND ADDING A NEW SECTION 9.3.I, ADDRESSING RIDGE-TOP AND HILLSIDE DEVELOPMENT IN THE R-2 ZONE.

Commissioner Wright made a motion to send the item to the agenda of the April County Commission meeting. Commissioner Melton seconded the motion.

Commissioner Samples made a motion to forward the resolution to the County Attorney for his opinion, perusal, report, and advice, in particular pertaining to Section I, and the entire resolution in general, asking for more specific language concerning clarification of the regulations, with the revisions, recommendations, and attorney's report returning to the Agenda Committee for reconsideration prior to going to the full Commission. Commissioner Helton seconded the motion. Members of the committee also made requests concerning language clarification concerning a goal of no clear cutting and made a request for the attorney's advice regarding if substantial changes are made in the language in the resolution, as to whether additional public hearings would be required.

A vote was taken on the motion:

Burchfield - yes	Carver - yes	Farmer - yes	French - absent
Burkhalter - yes	Caylor - yes	Folts - yes	Gamble - absent

Greene - yes	Kirby - yes	Melton - no	Wright - no
Harrison - absent	Lail - yes	Moon - yes	
Hasty - yes	Lambert - yes	Murrell - yes	
Helton - yes	Lewis - absent	Samples - yes	

There were 15 voting yes, 2 no, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: REQUEST FROM MADISON COUNTY.

Commissioner Lail made a motion to forward to the April County Commission Agenda, if the Blount County Legislative Body decides to support Madison County's stance on unfunded regulations from the state, that we send a letter of support to our three state legislators and to Mr. Cate in the Governor's Office. Commissioner Lambert seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - absent	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: ALLOCATION OF SPACE REQUESTS FOR RECORDS MANAGEMENT AND ARCHIVES DEPARTMENT, CIRCUIT COURT CLERK, AND HIGHWAY DEPARTMENT.

Commissioner Burkhalter made a motion to forward the requests for space to the April County Commission Agenda. Commissioner Murrell seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - absent	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: BLOUNT COUNTY CHILDREN'S HOME REPORT.

Commissioner Melton made a motion to include the Blount County Children's Home report in the packet of the April County Commission meeting for information only. Commissioner Carver seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - absent	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: ADJOURNMENT.

Chairman Farmer declared the meeting to be adjourned.

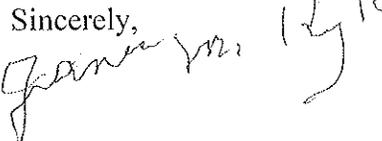
March 28, 2012

Jim Kyker
7102 Garland Road
Maryville, Tennessee 37801

Veterans Committee
305 Court St.
Maryville, Tennessee 37804-5906

Dear Veterans Committee:

I hereby resign from my position as Chairman and member of the Blount County Veterans Committee, effective immediately. I am leaving this position because of health issues.

Sincerely,

Jim Kyker



BLOUNT COUNTY MAYOR

Ed Mitchell

341 Court Street, Maryville, TN 37804-5906

Phone: (865) 273-5700

Fax: (865) 273-5705

Email: emitchell@blounttn.org



TO: Blount County Board of Commissioners

FROM: Ed Mitchell, Blount County Mayor

RE: Recommendation for Solid Waste Authority

DATE: May 2, 2012

For the consideration of the full commission, I am submitting my recommendation of the following name to be appointed to the Board of the Blount County Solid Waste Authority for a term expiring January 1, 2016:

Matt Pacifico – Industry Representative

Please see the attached bio and recommendation we received via e-mail from DENSO. Mr. Pacifico would be completing the term vacated by the resignation of Mike Fontinell.

Amy Cowden

Subject: FW: Solid Waste Board Rep

From: BOB_BOOKER@DENSO-DIAM.COM [mailto:BOB_BOOKER@DENSO-DIAM.COM]

Sent: Tuesday, May 01, 2012 2:27 PM

To: Amy Cowden

Subject: Solid Waste Board Rep

[DENSO Manufacturing Tennessee's Nominee for the Blount County Solid Waste Board is Matt Pacifico](#)

Some information regarding Matt is as follows:

- Resident of Blount County for the past 38 years, current address is 421 Nottingham Court, Maryville, 37801 (wife is a school teacher in Maryville and 2 sons graduated from Maryville High)
- 1975 graduate of Maryville College
- Employee at DENSO for 22 years, currently serves as a member of DENSO's Safety, Health and Environmental Engineering Program where he has helped the company reduce its landfill usage over 90% in the past 10 years
- Currently an active member of the Blount County Local Emergency Planning Commission, formerly Vice-Chair of that organization
- Also a former member of Blount County United Way Board of Directors and Maryville College Alumni Board



BLOUNT COUNTY MAYOR

Ed Mitchell

341 Court Street, Maryville, TN 37804-5906

Phone: (865) 273-5700

Fax: (865) 273-5705

Email: emitchell@blounttn.org



TO: Blount County Board of Commissioners

FROM: Ed Mitchell, County Mayor

RE: Appointment to Blount County Fire Protection District

DATE: April 30, 2012

For your information, I have re-appointed the following name to the Blount County Fire Protection District Board of Commissioners:

Benny Kirby, Seat 1
Term May 11, 2012 - 2016

BFEORE THE COUNTY MAYOR OF BLOUNT COUNTY, TENNESSEE

RE: BLOUNT COUNTY FIRE PROTECTION DISTRICT

ORDER

WHEREAS, the Blount County Fire Protection District (the "district") was created and incorporated as a utility district pursuant to the Utility District Law of 1937, Tennessee Code Annotated § 7-82-101, *et. seq.*, for the purposes of fire prevention and protection in parts of rural and Blount County; and

WHEREAS, pursuant to Tennessee Code Annotated § 7-82-703(a), the district is governed by three (3) commissioners who are appointed by the Blount County mayor and who collectively constitute the board of commissioners of the district; and

WHEREAS, pursuant to Tennessee Code Annotated § 7-82-307(a), the term of office of each commissioner is four (4) years, and each commissioners, upon expiration of such commissioner's term, shall continue to hold office until a successor shall have been appointed and qualified; and

WHEREAS, Seat 1 has presently expired as to term.

NOW, THEREFORE, pursuant to the authority granted under Tennessee Code Annotated § 7-82-307 (a), it is hereby ORDERED that:

1. The undersigned hereby APPOINTED Benny Kirby to the Blount County Fire Protection District Board of Commissioners, Seat 1, set to expire on May 11, 2012.
2. This Order shall be entered of record on the minutes of the Blount County legislative body, and a certified copy thereof shall be furnished to each of the remaining members of the District's Board of Commissioners.

DATED this the _____ day of May, 2011.

Ed Mitchell
County Mayor

RESOLUTION No. 12-05-003

Sponsored by Commissioners Ken Melton and Holden Lail

RESOLUTION TO CONSIDER, WITHOUT RECOMMENDATION FROM BUDGET COMMITTEE, TO AMEND THE GENERAL COUNTY FUND BUDGET

WHEREAS, the Appalachian Black Bear Rehab and Release Center, Inc. is a charitable non-profit organization, located in Blount County, Tennessee, and is generally exempt from Blount County property taxes under their tax exempt status as a charitable organization; and

WHEREAS, due to clerical error and improper filing of paperwork, the Appalachian Black Bear Rehab and Release Center, Inc. lost their tax-exempt status for tax years 2006, 2007 and 2008, and as a result thereof, owe property taxes to Blount County for those years in the amount of \$2,042, and

WHEREAS, a lawsuit has been filed and is presently pending to collect said taxes between Blount County and the Appalachian Black Bear Rehab and Release Center, Inc., and

WHEREAS, the parties would like to resolve said lawsuit by the Appalachian Black Bear Rehab and Release Center, Inc. paying the taxes owed and Blount County making a charitable contribution back to Appalachian Black Bear Rehab and Release Center, Inc. pursuant to T.C.A. §5-9-109, which allows the County to make contributions to charitable and civic organizations; and

WHEREAS, the result of said settlement would not unduly burden the Appalachian Black Bear Rehab and Release Center, Inc. of their resources for the charitable work for which they are designed.

NOW, THEREFORE, BE IT RESOLVED, BY THE BLOUNT COUNTY LEGISLATIVE BODY MEETING IN REGULAR SESSION AT MARYVILLE, TENNESSEE, on this 17th day of May, 2012, that the General County Fund Budget shall be amended as follows:

Revenue:	
101-0-48990-0	Use of Fund Balance.....\$2,042
Appropriation:	
101-55510-500316-0	Contribution.....\$2,042

Duly authorized and approved this 17th day of May, 2012.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

County Mayor

Date

Wright - absent

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTION TO AMEND EDUCATIONAL CAPITAL PROJECT BUDGET - \$52,000.00.

Commissioner Helton made a motion to send the resolution to the agenda of the March County Commission meeting. Commissioner Lewis seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - absent	Harrison - absent	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 18 voting yes, and 3 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET - \$6,060.00.

Commissioner Lewis made a motion to send the resolution to the agenda of the March County Commission meeting. Commissioner Lail seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - absent	Harrison - absent	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 18 voting yes, and 3 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTION TO CONSIDER, WITHOUT RECOMMENDATION FROM BUDGET COMMITTEE, TO AMEND THE GENERAL COUNTY FUND BUDGET - \$10,697.00.

Commissioner Moon made a motion to postpone the resolution until the May Agenda Committee meeting. Commissioner Helton seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - absent	Harrison - absent	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - no	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, 1 voting no, and 3 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTION TO CONSIDER, WITHOUT RECOMMENDATION FROM BUDGET COMMITTEE, TO AMEND THE GENERAL COUNTY FUND BUDGET - \$2,042.00.

Commissioner Moon made a motion to postpone the resolution until the May Agenda Committee meeting. Commissioner Carver seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - absent	Harrison - absent	Lewis - yes	
Farmer - yes	Hasty - yes	Melton - no	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, 1 voting no, and 3 absent. Chairman Farmer declared the motion to have passed.

RESOLUTION No. 12-05-004

Sponsored by Commissioners Ken Melton and Holden Lail

RESOLUTION TO CONSIDER, WITHOUT RECOMMENDATION FROM BUDGET COMMITTEE, TO AMEND THE GENERAL COUNTY FUND BUDGET

WHEREAS, the Blount County Children’s Home, Inc. is a charitable non-profit organization, located in Blount County, Tennessee, and is generally exempt from Blount County property taxes under their tax exempt status as a charitable organization; and

WHEREAS, due to clerical error and improper filing of paperwork, the Blount County Children’s Home, Inc. lost their tax-exempt status for tax years 2008 and 2009, and as a result thereof, owe property taxes to Blount County for those years in the amount of \$10,697, and

WHEREAS, a lawsuit has been filed and is presently pending to collect said taxes between Blount County and the Blount County Children’s Home, Inc. and

WHEREAS, the parties would like to resolve said lawsuit by the Blount County Children’s Home, Inc. paying the taxes owed and Blount County making a charitable contribution back to Blount County Children’s Home, Inc. pursuant to T.C.A. §5-9-109, which allows the County to make contributions to charitable and civic organizations; and

WHEREAS, the result of said settlement would not unduly burden the Blount County Children’s Home, Inc. of their resources for the charitable work for which they are designed.

NOW, THEREFORE, BE IT RESOLVED, BY THE BLOUNT COUNTY LEGISLATIVE BODY MEETING IN REGULAR SESSION AT MARYVILLE, TENNESSEE, on this 17th day of May, 2012, that the General County Fund Budget shall be amended as follows:

Revenue:	
101-0-48990-0	Use of Fund Balance.....\$10,697
Appropriation:	
101-55510-500316-0	Contribution.....\$10,697

Duly authorized and approved this 17th day of May, 2012.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

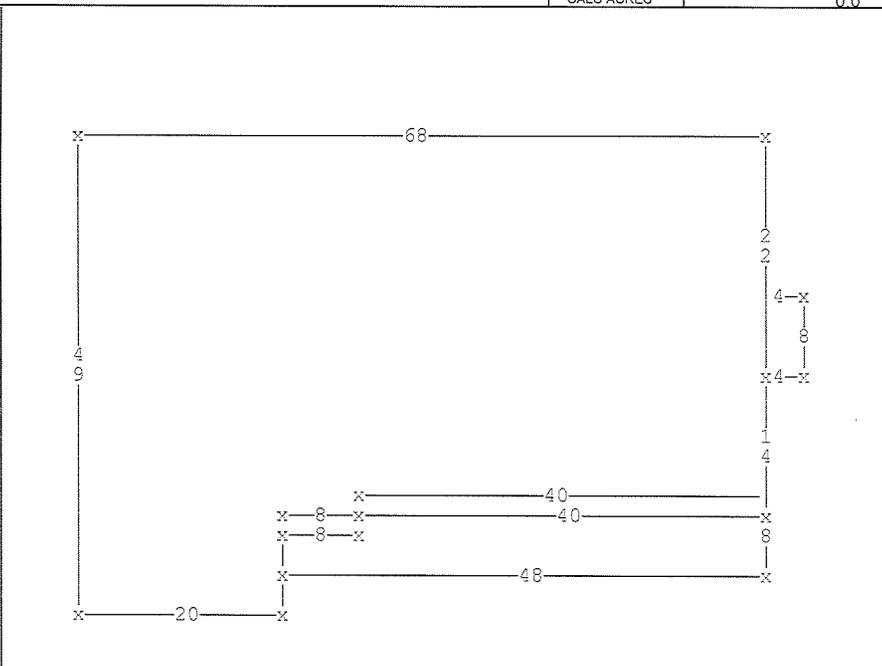
County Mayor

Date

STATE OF TENNESSEE REAL ESTATE APPRAISAL CARD

MCCAMMON AVE 903		SUBDIV. 1		BK PG BLOCK LOT				TAX YEAR 2008	19	046N	A	057C	012.03	000	
PROPERTY ADDRESS		SUBDIV. 2		BLOUNT COUNTY CHILDRENS HOME INC				COUNTY OF BLOUNT	DIST	MAP	GROUP	CONTROL MAP	PARCEL	PI	S/I
OWNER'S NAME AND MAILING ADDRESS		SUBDIV. 2		HOME GROWN FAMILY OUTREACH CHILDRENS HOME				464 MARYVILLE	DATE UPDATED 11/16/07		DATE PRINTED 05/03/12		CARDS IN PARCEL 2 OF 2		
BLOUNT COUNTY CHILDRENS HOME INC		ADDITIONAL DESCRIPTION		HOMEGROWN FAMILY OUTREACH CHILDRENS HOME				TOTAL LAND UNITS	9.10		APPRaised VALUE RECAP		IMPROVEMENTS 698,800		
903 MCCAMMON AVE MARYVILLE TN 37801		DIMENSIONS						DEED ACRES 9.10	CALC ACRES 0.0		LAND 217,000		TOTAL APPRAISAL 915,800		

FOUNDATION	CONTINUOUS FOOTING	HF	1.00
FLOOR SYSTEM	WOOD W/ SUB FLOOR	PWF	1.00
EXTERIOR WALL	SIDING AVERAGE		
STRUCTURAL FRAME	NONE		
ROOF FRAMING	GABLE/HIP		
ROOF COVER-DECK	COMPOSITION SHINGLE		
CABINET-MILLWORK	AVERAGE		
FLOOR FINISH	CARPET COMBINATION	RMS	0
INTERIOR FINISH	DRYWALL	PF	1.00
PAINT-DECOR	AVERAGE		
HEATING/AIR COND	HEAT & COOLING PKG	WTD/AREA	
PLUMBING	NUMBER OF FIXTURES 12		2,850
BATH TILE	NONE		
ELECTRICAL QUALITY	AVERAGE	BRF	1.00000



112	102	94	107	60.00	64.20	07	2000	2000
TOTAL UNITS	SHAPE FACTORS	SIZE	ADJ'D UNITS	BASE RATE	ADJ'D BASE RATE	IMPR. TYPE	ACTUAL YEAR BUILT	EFFECTIVE YEAR BUILT
AREA DESCR	% OF RATE	ADJ'D SQUARE FOOT RATE	AREA RATE	SQUARE FEET	REPLACEMENT COST NEW			
BASE	100	64.20	64.20	2,732	175,394			
OPF	30	64.20	19.26	392	7,550			

TOTAL AREAS -> AUX = 392 BASE = 2,732

DEPRECIATION			% COND	REPL COST NEW	DEPR REPL COST
AGE	NORM PHYS	OTHER PHYS	FUNC ECON	182,944	168,308
6	8	0	0 0		

EX. FEAT/SPEC. BLDG. DESCRIPTION	QUAL	SIZE	UNIT PRICE	UNITS	EFF YR BUILT	ANNUAL DEPR RATE	PERCENT CONDITION	DEPRECIATED VALUE
1. SPRINKLER	A		2.63	2,732	2000	1.50	91.00	6,538
TOTAL CALCULATED EX. FEAT/SPEC. BLDG. VALUE 6,538								

GENERAL PARCEL DATA											
LAND APPRAISAL BY	S.S.D.	WARD	E.D.D.	PLAN	OTHER	MORTG.	MOBILE HOME CODE	AREA CODE			
PARC. STAT.	DIST TREN	TOPO	TYPE OWNER	ROAD NO.	ROAD TYPE	CONST. CODE	SUBDIV. TRACT	COORDINATES			
CENSUS TRACT							BLOCK	FACE	AREA	SOIL DIST	
GENERAL CARD DATA											
BLDG APPRAISAL	BY	SOURCE	NO. DWELL UNITS	UTILITIES			ZONING	OCC	COND		
10/05/07	05	IN	1	1	1	1	1	1	0		
PERMIT NO.	F.H.A. NUMBER		RENTAL SOURCE	RENTAL AMOUNT		RENTAL SCHEDULE					

EX. FEAT/SPEC. BLDG. APPR. DATE	10/30/07	APPR. BY	37	TOTAL CALCULATED EX. FEAT/SPEC. BLDG. VALUE 6,538												
LAND DESCRIPTION	DESC CODE	SIZE-DIMENSION	SOIL CLASS	UM	FLD	LOC	SIZE	DEPTH FACTOR	COND FACTOR	UNIT LAND PRICE	ADJ'D. UNIT LAND PRICE	LAND UNITS	MARKET LAND VALUE	USE COND. FACTOR	LAND USE UNIT PRICE	USE LAND VALUE
1.																
2.																
3.																
4.																
5.																
6.																

LAND USE CODES		1	2	3	4	LAND TOTAL	THIS CARD				THIS CARD			
MARKET DATA						DEED TRANSFER				NOTES				
DATE	PRICE	BOOK	PAGE	V/I	INS	Q					NEW BLDG STARTED IN 2000 & STILL NOT COMPLETE, PRICING AS BEING COMPLETE FOR 08(DE)			
1.														
2.														
3.														
4.														

Rhonda Pitts

From: Jill Reed <JReed@cgarrettlaw.com>
Sent: Friday, May 04, 2012 11:07 AM
To: Rhonda Pitts
Subject: RE: agenda committee agenda may8 2012 (3)

Per our conversation, just confirming that we are in receipt of the information which you recently forwarded on the Resolution regarding the hillsides and ridge tops.
It is currently Craig's desk for review and consideration.

Jill A. Reed-Chaney
Legal Assistant
Law Office of Craig L. Garrett, Attorney at Law, PLLC
607 Smithview Drive
Maryville, Tennessee 37803
(865) 984-8200
(865) 981-2833 fax

From: Rhonda Pitts [<mailto:rpitts@blounttn.org>]
Sent: Friday, May 04, 2012 10:14 AM
To: Jill Reed
Subject: agenda committee agenda may8 2012 (3)

Jill,
For Craig's information, attached is the agenda for the Agenda Committee meeting for May 8, 6:30 p.m. Item F-3 is the item under Unfinished business concerning the issue regarding hillsides and ridge tops. This item was forwarded to Craig for his response. Please let me know if Craig would like to include anything in the packet for this month, or if he has any statement/report or anything at this time. Please let me know if I can be of any further assistance.
Thanks,
Rhonda Pitts
273-5830

Rhonda Pitts

From: Rhonda Pitts [rpitts@blounttn.org]
Sent: Thursday, April 19, 2012 12:39 PM
To: Jill Reed
Subject: FW: Information Regarding Hillside and RidgeTops Regulations
Attachments: 0163_001.pdf

Jill,

Please forward the attached information to Craig Garrett. Included in the information is the motion approved by the Agenda Committee on April 12, 2012. Thank you for your assistance. Please confirm that you have received this request.

Thanks,
Rhonda Pitts
273-5830

Greene - yes	Kirby - yes	Melton - yes	Wright - yes
Harrison - absent	Lail - yes	Moon - yes	
Hasty - yes	Lambert - yes	Murrell - yes	
Helton - yes	Lewis - absent	Samples - yes	

There were 16 voting yes, 1 no, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: PETITION TO CLOSE AN EASEMENT OFF KENDRA DRIVE IN WOODTHRUSH SUBDIVISION.

Commissioner Lambert made a motion to send the petition to the agenda of the April County Commission meeting for sending to the Planning Commission. Commissioner Wright seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - absent	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: REQUEST FOR PERMISSION FOR THE HIGHWAY DEPARTMENT TO NEGOTIATE AN AGREEMENT WITH THE NATIONAL PARK SERVICE TO MAKE CERTAIN REPAIRS TO DAMAGE TO THE ROAD PROVIDING ACCESS TO THE SHERIFF DEPARTMENT'S NEW COMMUNICATIONS TOWER LOCATED NEAR THE LOOK ROCK OBSERVATION TOWER OFF THE FOOTHILLS PARKWAY.

Commissioner Moon made a motion to forward the request to the April County Commission Agenda. Commissioner Caylor seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - absent	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, AMENDING SECTIONS 7.3, 7.11.A, 9.3.G, 9.3.F, AND ADDING A NEW SECTION 9.3.I, ADDRESSING RIDGE-TOP AND HILLSIDE DEVELOPMENT IN THE R-2 ZONE.

Commissioner Wright made a motion to send the item to the agenda of the April County Commission meeting. Commissioner Melton seconded the motion.

Commissioner Samples made a motion to forward the resolution to the County Attorney for his opinion, perusal, report, and advice, in particular pertaining to Section I, and the entire resolution in general, asking for more specific language concerning clarification of the regulations, with the revisions, recommendations, and attorney's report returning to the Agenda Committee for reconsideration prior to going to the full Commission. Commissioner Helton seconded the motion. Members of the committee also made requests concerning language clarification concerning a goal of no clear cutting and made a request for the attorney's advice regarding if substantial changes are made in the language in the resolution, as to whether additional public hearings would be required.

A vote was taken on the motion:

Burchfield - yes	Farmer - yes	Greene - yes	Kirby - yes
Burkhalter - yes	Folts - yes	Harrison - absent	Lail - yes
Carver - yes	French - absent	Hasty - yes	Lambert - yes
Caylor - yes	Gamble - absent	Helton - yes	Lewis - absent

Melton - no	Murrell - yes	Wright - no
Moon - yes	Samples - yes	

There were 15 voting yes, 2 no, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: REQUEST FROM MADISON COUNTY.

Commissioner Lail made a motion to forward to the April County Commission Agenda, if the Blount County Legislative Body decides to support Madison County's stance on unfunded regulations from the state, that we send a letter of support to our three state legislators and to Mr. Cate in the Governor's Office. Commissioner Lambert seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - absent	Lail - yes	Samples - yes
Carver - yes	Greene - yes	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: ALLOCATION OF SPACE REQUESTS FOR RECORDS MANAGEMENT AND ARCHIVES DEPARTMENT, CIRCUIT COURT CLERK, AND HIGHWAY DEPARTMENT.

Commissioner Burkhalter made a motion to forward the requests for space to the April County Commission Agenda. Commissioner Murrell seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - absent	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: BLOUNT COUNTY CHILDREN'S HOME REPORT.

Commissioner Melton made a motion to include the Blount County Children's Home report in the packet of the April County Commission meeting for information only. Commissioner Carver seconded the motion.

A vote was taken on the motion:

Burchfield - yes	French - absent	Kirby - yes	Murrell - yes
Burkhalter - yes	Gamble - yes	Lail - yes	Samples - yes
Carver - yes	Greene - absent	Lambert - yes	Wright - yes
Caylor - yes	Harrison - absent	Lewis - absent	
Farmer - yes	Hasty - yes	Melton - yes	
Folts - yes	Helton - yes	Moon - yes	

There were 17 voting yes, and 4 absent. Chairman Farmer declared the motion to have passed.

IN RE: ADJOURNMENT.

Chairman Farmer declared the meeting to be adjourned.

BUDGET TRANSFER

(COMMISSION ACTION NEEDED)

<u>FUND</u>	<u>AMOUNT</u>	<u>BUDGET COMMITTEE</u>	<u>VOTE</u>
115 – Library Capital Library/ Library	\$25,000.00	Recommended	5 – yes
131 – Hwy. Oper. & Mntce. of Equipment	\$15,650.00	Recommended	5 – yes



**BLOUNT COUNTY
PUBLIC LIBRARY**

508 North Cusick Street
Maryville, TN 37804

To: Joe Taylor, Budget Manager
From: Kathy Pagles, Library Director *KP*
Date: April 20, 2012
Re: Replacement of Compressor #3, HVAC

We recently learned that the compressor #3 of our HVAC system must be replaced. Damon is helping us acquire the specs and Teresa will prepare a bid unless the specs are such that we can purchase it off state bid contract. In the meantime, I need to get the money in place so that the replacement can take place as soon as possible, avoiding additional stress on the remaining 2 compressors in the hot months to come.

Instead of requesting a budget increase, I am asking that monies be transferred into the capital account for this purchase. The two salary/benefit lines I am drawing from will not be used up this year and the adjustment has been made in the new budget for 2012-13. The remaining \$5000 is coming from Other Contracted Services.

Thank you for your assistance in this transfer. I plan to be at the regular budget meeting on May 7, unless you inform me I should come another time.

BUDGET INCREASES/DECREASES

(COMMISSION ACTION NEEDED)

<u>FUND</u>	<u>AMOUNT</u>	<u>BUDGET COMMITTEE</u>	<u>VOTE</u>
141 – GPSF Other Capital Outlay	\$ 32,000.00	Recommended	5 – yes
141 – GPSF Other Capital Outlay	\$250,000.00	Recommended	5 – yes
141 – GPSF State Grant – Family Resource Center	-\$ 3,532.00	Recommended	5 – yes
101 – Gen. County Transfer Out	\$720,170.40	Recommended	5 – yes
101 – Gen. County County Commission	\$ 740.00	Recommended	5 – yes

RESOLUTION NO. 12-05-002

Sponsored by: Commissioners Steve Samples and Kenneth Melton

A RESOLUTION TO AMEND GENERAL PURPOSE SCHOOL FUND BUDGET.

WHEREAS, Blount County would like to amend the General Purpose School Fund Budget to use fund balance for critical school site development and repair of sink holes, retention ponds, and other excavation needs.

WHEREAS, it is deemed to be in the best interest of Blount County to amend the General Purpose School Fund Budget as requested.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 17th day of May, 2012 that the General Purpose School Fund Budget shall be amended as follows:

Revenue:

141-0-48990 Use of Fund Balance\$32,000.00

APPROPRIATION:

141-076100-500724 Site Development.....\$32,000.00

Duly authorized and approved this 17th day of May, 2012.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: ____

Vetoed: _____

County Mayor

Date

Blount County, Tennessee
REQUEST FOR BUDGET INCREASE/DECREASE
Fiscal Year 2011-2012

Fund Number 141 Cost Center Number 76100
 Fund Name GPSF Cost Center Name Other Capital Outlay

	ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
Appropriation:	141-076100-500724	Site Development	32,000.00
		Total Appropriation:	32,000.00

	ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
Estimated Revenue:	141-000000- 400998 ⁴⁸⁷⁹⁰	Use of Fund Balance	32,000.00
		Total Estimated Revenue:	32,000.00

Reason for requested increase/decrease:
Use of fund balance for critical school site development and repair of sink holes, retention ponds, and other excavation needs.

Note:
 Total appropriation
 must agree with total
 estimated revenue.

Troy Logan 4-24-12
 Signature of Department Head Date

"Approved By The Board Of Education" 5-3-12

School Committee	
Date	vote
Approved	yes noy pass
Recommended for commission consideration	yes noy pass
Decided	yes noy pass
Tabled	yes noy pass
Deferred	yes noy pass

RESOLUTION NO. 12-05-010

Sponsored by: Commissioners Holden Lail and Steve Samples

A RESOLUTION TO AMEND GENERAL PURPOSE SCHOOL FUND BUDGET.

WHEREAS, Blount County would like to amend the General Purpose School Fund Budget to use fund balance for network infrastructure upgrades to increase band width for each school site.

WHEREAS, it is deemed to be in the best interest of Blount County to amend the General Purpose School Fund Budget as requested.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 17th day of May, 2012 that the General Purpose School Fund Budget shall be amended as follows:

Revenue:

141-0-48990 Use of Fund Balance\$250,000.00

APPROPRIATION:

141-076100-500709 Data Processing Equipment\$250,000.00

Duly authorized and approved this 17th day of May, 2012.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: ____

Vetoed: _____

County Mayor

Date

Blount County, Tennessee
REQUEST FOR BUDGET INCREASE/DECREASE
Fiscal Year 2011-2012

Fund Number 141 Cost Center Number 76100
 Fund Name GPSF Cost Center Name Other Capital Outlay

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
141-076100-500709	Data Processing Equipment	250,000.00
Total Appropriation:		250,000.00

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
141-000000- 409998 48990	Use of Fund Balance	250,000.00
Total Estimated Revenue:		250,000.00

Reason for requested increase/decrease:
Use of fund balance for network infrastructure upgrades to increase band width for each school site.

Note:
 Total appropriation
 must agree with total
 estimated revenue.

Way Lopez

 Signature of Department Head

4-24-12

 Date

"Approved By The Board Of Education" 5-3-12

School Committee:
 Chair _____

RESOLUTION NO. 12-05-011

Sponsored by: Commissioners Steve Samples and Holden Lail

A RESOLUTION TO AMEND GENERAL PURPOSE SCHOOL FUND BUDGET.

WHEREAS, Blount County would like to amend the General Purpose School Fund Budget to adjust FRC Grant to actual amount funded by the State.

WHEREAS, it is deemed to be in the best interest of Blount County to amend the General Purpose School Fund Budget as requested.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 17th day of May, 2012 that the General Purpose School Fund Budget shall be amended as follows:

Revenue:

141-0-469808 Family Resource Center Grant..... -\$3,532.00

APPROPRIATION:

141-072131-500130	Social Worker	\$8,350.00
141-072131-500201	Social Security	-\$1,110.00
141-072131-500204	State Retirement.....	-\$1,512.00
141-072131-500205	Employee Insurance – Dependent	-\$6,700.00
141-072131-500206	Employee Insurance – Life.....	-\$ 86.00
141-072131-500207	Employee Insurance – Medical.....	-\$2,200.00
141-072131-500212	FICA Medicare.....	-\$ 274.00
	TOTAL.....	-\$3,532.00

Duly authorized and approved this 17th day of May, 2012.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: ____

Vetoed: ____

County Mayor

Date

Blount County, Tennessee
REQUEST FOR BUDGET INCREASE/DECREASE
Fiscal Year 2011-2012

Fund Number 141 Cost Center Number 72131
 Fund Name GPSF Cost Center Name State Grant - Family Resource Center

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
141-072131-500130	Social Worker	8,350.00
141-072131-500201	Social Security	-1,110.00
141-072131-500204	State Retirement	-1,512.00
141-072131-500205	Employee Insurance - Dependent	-6,700.00
141-072131-500206	Employee Insurance - Life	-86.00
141-072131-500207	Employee Insurance - Medical	-2,200.00
141-072131-500212	FICA Medicare	-274.00
Total Appropriation:		-3,532.00

ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
141-000000-469808	Family Resource Center Grant	-3,532.00
Total Estimated Revenue:		-3,532.00

Reason for requested increase/decrease:
Adjust PRC Grant to actual amount funded by the State.

Note:
 Total appropriation
 must agree with total
 estimated revenue.

May Logan
 Signature of Department Head

4-10-12
 Date

"Approved By The Board Of Education" 5-3-12

Local Committee

Date _____ YES

... Forwarded _____ YES _____ NO

... Recommended for _____ YES _____ NO

... commission consideration

... Decided _____ YES _____ NO

... Tabled _____ YES _____ NO

... Disposed _____ YES _____ NO

RESOLUTION NO. 12-05-012

Sponsored by: Commissioners Holden Lail and Mike Lewis

A RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET.

WHEREAS, Blount County would like to amend the General County Fund Budget to appropriate funds for setting up budget for rebate received from QSCB bond. The revenue will be transferred to Debt Service fund for QSCB payments.

WHEREAS, it is deemed to be in the best interest of Blount County to amend the General County Fund Budget as requested.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 17th day of May, 2012 that the General County Fund Budget shall be amended as follows:

Revenue:

101-0-477150-0 Tax Credit Bond Rebate.....\$720,170.40

APPROPRIATION:

101-099100-500590-0 Transfer to other funds\$720,170.40

Duly authorized and approved this 17th day of May, 2012.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: ____

Vetoed: _____

County Mayor

Date

DIST Data

Specify a fund/cc/obj/proj and accounting year

101 0 477150 0 Current

Account 101-0-477150-0 for 07/01/11 thru 06/30/12

Date	Description	Status	Reference	Source	ADC Code	Vendor #	Est Revenue	Revenue Recv
07/01/11	REVERSE ACCRUAL	RCVD	11003628	J.E.	999	0		-
								316,074.79
09/13/11	067645 BLOUNT CO TRUSTEE	RCVD	67645	C.R.	041	0		316,074.79
09/14/11	067653 STATE OF TN	RCVD	67653	C.R.	041	0		360,085.20
03/09/12	068974 STATE OF TN/QSCB INTEREST	RCVD	68974	C.R.	041	0		360,085.20
							0.00	720,170.40

[Finance Information Menu](#)

RESOLUTION NO. 12-05-009

Sponsored by: Commissioners Holden Lail and Kenneth Melton

A RESOLUTION TO AMEND GENERAL COUNTY FUND BUDGET.

WHEREAS, Blount County would like to amend the General County Fund Budget to appropriate funds for Public Notices.

WHEREAS, it is deemed to be in the best interest of Blount County to amend the General County Fund Budget as requested.

NOW THEREFORE, BE IT RESOLVED BY THE Board of Commissioners of Blount County, Tennessee assembled in regular session this 17th day of May, 2012 that the General County Fund Budget shall be amended as follows:

Revenue:

101-0-48990 Fund Balance.....\$740.00

APPROPRIATION:

101-051100-500332 Legal Notices, Rec., Costs.....\$740.00

Duly authorized and approved this 17th day of May, 2012.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: ____

Vetoed: ____

County Mayor

Date

Resolution No: 12-5-007

Sponsored by Commissioner Steve Samples and Kenneth Melton

A RESOLUTION AUTHORIZING SUBMISSION OF APPLICATION FOR LITTER AND TRASH COLLECTING GRANT FROM THE STATE OF TENNESSEE, DEPARTMENT OF TRANSPORTATION AND AUTHORIZING ACCEPTANCE OF THE GRANT

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this, 17th day of May, 2012.

WHEREAS, Blount County intends to apply for the aforementioned grant from the Tennessee Department of Transportation; and

WHEREAS, the contract for the grant will impose certain legal obligations upon Blount County,

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Blount County Tennessee:

1. That, Edward Mitchell, County Mayor, is hereby authorized to apply on behalf of Blount County for a litter and trash collecting grant from the Tennessee Department of Transportation: and
2. That should said application be approved by the Tennessee Department of Transportation, that Edward Mitchell, County Mayor, is hereby authorized to execute contracts or other necessary documents which may be required to signify acceptance of the litter and trash collecting grant by Blount County.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION TAKE EFFECT FROM AND AFTER PASSAGE, THE PUBLIC WELFARE REQUIRING IT.

CERTIFICATION OF ACTION

ATTEST

**Chairman
Blount County Commission**

**Roy Crawford
County Clerk**

Approved : ____

Vetoed: ____

County Mayor

Date:_____

LITTER GRANT INFORMATION 2012

Blount County has participated in the Litter Grant Program for thirty years. The grant is funded from a tax placed upon Tennessee bottlers of soft drinks and beer. The money is divided among counties that apply for the grant to the Tennessee Department of Transportation. A resolution from the County Commission is the first step in the application. An application packet is submitted to TDOT. The packet includes the resolution, a work plan, a plan for education and a proposed budget.

The grant does not require matching funding. In 2011-2012, the amount for Blount County was \$72,393. The grant money is restricted to litter abatement and education. Twenty-five percent of the grant is dedicated to education. Keep Blount Beautiful, an affiliate of the Keep America Beautiful Program, provides the educational element. Keep Blount Beautiful and the Blount County Sheriff's Office have partnered for twenty years in the Litter Grant Program. A BCSO officer takes a crew of inmates to remove litter from roadways. The truck, telephone, gasoline, water, gloves, trash bags and lunch are provided by the Blount County Sheriff's Office. Truck maintenance is also made available by the Sheriff's Office, as well as payment for landfill use. The safety of inmates and guard is primary. Inmates wear safety vests and gloves. Signage and emergency lights are supplied for the truck by BCSO.

Roadside litter is divided into trash and recyclables. Aluminum cans in bulk are transported to a recycling center. The proceeds are deposited into the County's General Fund. Glass is also picked and recycled. The crew has participated in telephone book recycling in January each year by transporting books from schools.

The Litter Grant Program is a reimbursement process. A request is prepared to TDOT for expenditures made that month. It includes the salary and benefits for the guard, gasoline, landfill bill, and invoice from Keep Blount Beautiful. The request is submitted to the State for payment.

The grant does not cover costs incurred by the program. The Blount County Sheriff's Office continues to fund the litter abatement and educational efforts. The grant pays only a portion of those expenditures.

The Blount County Litter Grant Program has been named best in the State twice. This past year, Charlene DeSha, KBB coordinator, received TDOT's award for Best Coordinator.

The goal of this program continues to be the education of the citizens of Blount County regarding litter and roadside litter abatement.

Submitted by Beverly Collins

RESOLUTION No. 12-05-005

Sponsored by Commissioners Brad Harrison and Gerald Kirby.

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, ARTICLE 13, AND SECTIONS 9.4C(a), 9.1D, 9.2D, 9.3D, AND 9.10D, TO REGULATE PAIN MANAGEMENT CLINICS.

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 17th day of May, 2012:

WHEREAS, the Legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations in Tennessee Code Annotated Sections 13-7-101, *et seq.*, and

WHEREAS, the Board of Commissioners of Blount County, Tennessee adopted zoning regulations in Resolution 00-06-010 **A RESOLUTION ADOPTING ZONING IN BLOUNT COUNTY PURSUANT TO SECTIONS 13-7-101, *et seq.*, OF THE TENNESSEE CODE ANNOTATED**, and

WHEREAS, it is desired to amend such Resolution to regulate pain management clinics.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF BLOUNT COUNTY, TENNESSEE, to adopt the following:

That Article 13 Definitions be amended to add the following definition:

- PAIN MANAGEMENT CLINIC: A privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve-month period. This definition does not apply to:
- (1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs.
 - (2) A hospital as defined in TCA 68-11-201, including any outpatient facility or clinic of a hospital;
 - (3) Hospice services as defined in TCA 68-11-201;
 - (4) A nursing home as defined in TCA 68-11-201;
 - (5) A facility maintained or operated by this state; or
 - (6) A hospital or clinic maintained or operated by the federal government.

That Section 9.4.C for the C-Commercial District be amended to read as follows:

- C. Uses Permitted as Special Exceptions with Specific Limitations:
- (a) Pain Management Clinics, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, *et seq.*; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 500 feet from any residential structure; clinic property abutting an S-Suburbanizing or R-1-Rural District 1 zoned property (not a public right-of-way) shall be secured from access across property line by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Blount County.

That Section 9.1.D for the S-Suburbanizing District be amended to read as follows

- D. Uses Prohibited: In the S - Suburbanizing District, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics, and all other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.2.D for the R-1-Rural District 1 be amended to read as follows:

D. Uses Prohibited: In the R-1-Rural District 1, adult oriented establishments as defined in TCA 7-51-1101 et seq., and pain management clinics, and all other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.3.D for the R-2-Rural District 2 be amended to read as follows:

D. Uses Prohibited: In the R-2-Rural District 2, adult oriented establishments as defined in TCA 7-51-1101 et seq., and pain management clinics, and all other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.10.D for the RAC-Rural Arterial Commercial District be amended to read as follows:

D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: pain management clinics, and all other uses are prohibited except those uses permitted or permitted as special exception specifically above.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION SHALL BE IN FORCE AND BECOME EFFECTIVE UPON ITS ADOPTION, THE PUBLIC WELFARE REQUIRING IT.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____
County Mayor

Date



State of Tennessee
PUBLIC CHAPTER NO. 340
(Revised – June 16, 2011)
SENATE BILL NO. 1258

By Yager, Tracy, Bell, Southerland, Campfield, Henry, Tate, Overbey, Burks, Johnson

Substituted for: House Bill No. 1040

By Ramsey, Campbell, Powers, Hensley, Evans, Dunn, Harry Brooks, Faison, Todd, Don Miller, Butt, Montgomery, Shipley, Weaver, Maggart, Halford, Haynes, Hall, Favors, Brown

AN ACT to amend Tennessee Code Annotated, Title 63, relative to the regulation of pain management clinics.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, is amended by adding a new part, as follows:

63-1-301. For purposes of this part, unless the context requires otherwise:

(1) "Advanced practice nurse" means any person licensed under Title 63, Chapter 7, who meets the requirements of § 63-7-126.

(2) "Department" means the Department of Health.

(3) "Medical doctor" means any person licensed under Title 63, Chapter 6.

(4) "Osteopathic physician" means any person licensed under Title 63, Chapter 9.

(5) "Pain management clinic" means a privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve-month period; and

(6) "Physician assistant" means any person licensed under Title 63, Chapter 19.

63-1-302. This part does not apply to:

(1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs.

(2) A hospital as defined in § 68-11-201, including any outpatient facility or clinic of a hospital;

(3) Hospice services as defined in § 68-11-201;

(4) A nursing home as defined in § 68-11-201;

(5) A facility maintained or operated by this state; or

(6) A hospital or clinic maintained or operated by the federal government.

63-1-303.

(a) Each licensed healthcare practitioner who provides services at a pain management clinic shall continue to be regulated only by the board which has issued a license to that practitioner.

(b) On or before October 1, 2011, the Commissioner of Health, in consultation with the board of medical examiners, the board of osteopathic examination, the board of nursing, and the committee on physician assistants, shall promulgate rules necessary to implement this part, in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(c) The rules adopted pursuant to subsection (b) may address the following topics, among others:

- (1) The operation of the clinic;
- (2) Personnel requirements for the clinic;
- (3) Training requirements for clinic providers who are regulated by that board;
- (4) Patient records;
- (5) Standards to ensure quality of patient care;
- (6) Infection control;
- (7) Health and safety requirements;
- (8) Certificate application and renewal procedures and requirements;
- (9) Data collection and reporting requirements;
- (10) Inspections and complaint investigations; and
- (11) Patient billing procedures.

63-1-304. Each board shall have the authority to inspect a pain management clinic which utilizes the services of a practitioner licensed by that board. During such inspections, the authorized representatives of the board may inspect all necessary documents and medical records to ensure compliance with this part and all other applicable laws and rules.

63-1-305. Each board shall have the authority to investigate a complaint alleging a violation of this part, or a rule adopted under this part, by a pain management clinic utilizing the services of a healthcare practitioner licensed by that board. Each board shall also have the authority to investigate a complaint alleging that a facility utilizing the services of a healthcare practitioner licensed by that board is not properly certified by the department as required by this part.

63-1-306.

(a) A pain management clinic, as defined in this part, must have a medical director who is a physician that practices in this state under an unrestricted and unencumbered license issued pursuant to § 63-6-201 or § 63-9-104.

(b) In the event that the medical director, for whatever reason, no longer meets the requirements of this part, the pain management clinic must notify the department, within ten (10) business days, of the identity of another physician who meets the requirements of this part and will act as medical director. A change of majority ownership of a certified pain management clinic requires the submission of a new application for a certificate. Failure to notify the department within ten (10) business days may be the basis for a summary suspension of the clinic's certification.

(c) Every pain management clinic shall submit an application to the department, on a form prescribed by the department, for a certificate to operate the clinic.

(d) Each clinic location shall be certified separately regardless of whether the clinic is operated under the same business name, ownership or management as another clinic.

(e) The department shall issue a certificate if the department finds that the pain management clinic meets the requirements of this part and that the fee required by the department has been paid.

(f)(1) If the department finds that a pain management clinic which was issued a certificate no longer meets any requirement of this part, including, but not limited to, any violation of any rule promulgated by the department pursuant to this part, the department may impose lawful disciplinary action against the pain management clinic, including, but not limited to, the revocation or suspension of its certificate, and the imposition of a civil penalty of up to one thousand dollars (\$1,000) per day for each day of continued violation. The pain management clinic shall be entitled to a hearing pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. Further, the department has the discretion to lift the suspension of a certificate when the clinic demonstrates compliance to the department.

(2) Any board which assesses any discipline or penalty against a provider that it licenses for a violation of rules promulgated under this part shall inform the department of any penalty or discipline imposed on such a provider for a violation of rules promulgated under this part within thirty (30) days of imposing the discipline or penalty, and the department may consider such discipline or penalty as a basis for disciplinary action against the pain management clinic pursuant to this subsection (f).

(g) The clinic shall post the certificate in a conspicuous location so as to be clearly visible to patients.

(h) The department is authorized to charge a fee for the issuance of a certificate.

(i) The department and each board identified in § 63-1-303(b) shall post on its Web site an announcement of the requirement that a pain management clinic obtain a certificate from the department, and each board identified in § 63-1-303(b) shall include information about such requirement in a routine communication sent by each board to its licensees.

(j) A pain management clinic operating on or before the effective date of this act may continue to operate as long as an application for certification is timely filed within thirty (30) days after the department has published the application form.

(k) The department shall have the authority to adopt rules, including emergency rules if deemed necessary, to implement the provisions of this part for which the department has responsibility.

63-1-307.

(a) A certificate issued under this part expires on the second anniversary of the date it is issued.

(b) The department may grant to a pain management clinic a ninety-day grace period from the expiration date of its certificate to renew the certificate.

(c) No pain management clinic whose certificate has expired may continue to operate or provide pain management services following the expiration of the grace period.

63-1-308.

(a) A pain management clinic may apply to renew its certificate by:

(1) Submitting a renewal application to the department on the form and in a time frame prescribed by the department; and

(2) Complying with any other requirements of the department.

(b) If a certificate is not renewed before the expiration of the grace period, the clinic must reapply for a new certificate to operate the clinic and is not authorized to operate while such new certificate application is pending.

63-1-309.

(a)(1) In the application for a certificate or within ten (10) days of the occurrence of any of the events listed in (A) – (C) below, a pain management clinic shall disclose whether any person who owns, co-owns or operates, or

otherwise provides services in the clinic, an employee of the clinic, or a person with whom the clinic contracts for services:

(A) Has ever been denied, by any jurisdiction, a license under which the person may prescribe, dispense, administer, supply or sell a controlled substance;

(B) Has ever held a license issued by any jurisdiction, under which the person may prescribe, dispense, administer, supply or sell a controlled substance that has been restricted; or

(C) Has ever been subject to disciplinary action by any licensing entity for conduct that was the result of inappropriately prescribing, dispensing, administering, supplying or selling a controlled substance.

(2) The department may deny a certificate or renewal of a certificate to a pain management clinic under any of the circumstances listed in subdivision (a)(1).

(b) A pain management clinic may not be owned wholly or partly by a person who has been convicted of, pled nolo contendere to, or received deferred adjudication for:

(1) An offense that constitutes a felony; or

(2) An offense that constitutes a misdemeanor, the facts of which relate to the distribution of illegal prescription drugs or a controlled substance as defined in § 39-17-402.

(c) If any practitioner providing services at a pain management clinic dispenses or prescribes more than a seventy-two hour dose of controlled substances for the treatment of chronic nonmalignant pain, the practitioner must document in the patient's record the reason for prescribing or dispensing that quantity.

(d) A medical director shall be on-site at least twenty percent (20%) of the clinic's weekly total number of operating hours.

63-1-310.

(a) A pain management clinic may accept only a check, credit card or money order in payment for services provided at the clinic, except as provided in § 63-1-310(b).

(b) A payment may be made in cash for a co-pay, coinsurance or deductible when the remainder of the charge for the services will be submitted to the patient's insurance plan for reimbursement.

63-1-311.

(a) A violation of this part, or a rule adopted under this part, is grounds for disciplinary action against a practitioner providing services at a pain management clinic certified under this part by the board which licensed that practitioner.

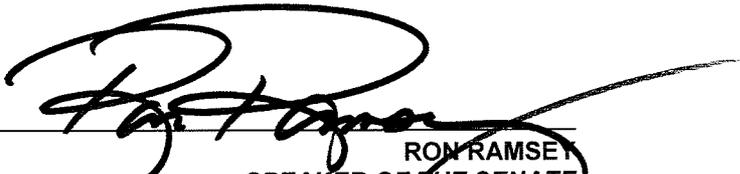
(b) A practitioner who provides pain management services at an uncertified pain management clinic is subject to an administrative penalty of one thousand dollars (\$1,000) per day, imposed by the board which licensed that practitioner, in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. Before such a penalty may be assessed by the board, the board shall give at least thirty (30) days notice to the practitioner of the alleged violation of this part.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 3. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on January 1, 2012.

SENATE BILL NO. 1258

PASSED: May 19, 2011



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 16 day of June 2011



BILL HASLAM, GOVERNOR



Public Chapter No. 340
(Revised – June 16, 2011)

RON RAMSEY
SPEAKER OF THE SENATE

M. SCOTT SLOAN
CHIEF ENGROSSING CLERK

Senate Chamber
State of Tennessee

OFFICE OF THE CHIEF ENGROSSING CLERK

State Capitol, G-1
Tennessee General Assembly
Nashville, Tennessee 37243
(615) 741-1306

June 16, 2011

The Honorable Tre Hargett
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

An engrossing error has been discovered in Senate Bill No. 1258/House Bill No. 1040 (assigned Public Chapter No. 340). The bill passed the Senate on April 21, 2011, and passed the House as amended May 9, 2011. The Senate concurred in the House amendments on May 19, 2011.

The Speakers of the Senate and House signed the bill and it was transmitted to the Governor on May 20, 2011. The Governor signed Senate Bill No. 1258/House Bill No. 1040 on May 30, 2011.

Attached is a corrected version of Senate Bill No. 1258/House Bill No. 1040. It was signed by the Speaker of the Senate and the Speaker of the House on June 16, 2011.

The corrected version was transmitted to the Governor and signed by him on June 16, 2011.

Please destroy the previous copies of Senate Bill No. 1258/House Bill No. 1040 received by your office.

With best wishes, I remain

Yours truly,

M. Scott Sloan
Chief Engrossing Clerk



State of Tennessee
PUBLIC CHAPTER NO. 869

SENATE BILL NO. 2587

By Yager

Substituted for: House Bill No. 2724

By Ramsey

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 1, relative to the regulation of pain management clinics.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-1-301, is amended by deleting subdivision (5) in its entirety and by substituting instead the following:

(5) "Pain management clinic" means a privately-owned facility in which a majority of the facility's patients, seen by any or all of its medical doctors, osteopathic physicians, advanced practice nurses with certificates of fitness to prescribe, or physician assistants, are provided pain management services by being prescribed or dispensed, opioids, benzodiazepines, barbiturates, or carisoprodol, but not suboxone, for more than ninety (90) days in a twelve (12) month period; and

SECTION 2. Tennessee Code Annotated, Section 63-1-302, is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs, including, but not limited to, clinics that have an agreement to train residents by members of that clinic who are appointed as adjunct faculty of the school or program;

SECTION 3. Tennessee Code Annotated, Section 63-1-302, is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) A hospital as defined in § 68-11-201, including any outpatient facility or clinic of a hospital if such outpatient facility or clinic is regulated under Title 68;

SECTION 4. Tennessee Code Annotated, Section 63-1-306, is amended by deleting subdivision (j) in its entirety and by substituting instead the following:

(j) A pain management clinic operating on or before January 1, 2012, may continue to operate as long as an application for certification is timely filed on or before October 1, 2012. This provision shall apply retroactively to applications for certification filed since January 1, 2012.

SECTION 5. Tennessee Code Annotated, Section 63-1-309, is amended by adding the following at the end of subdivision (a)(2):

An applicant who is denied a certificate or a renewal of a certificate may appeal the decision in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 6. Tennessee Code Annotated, Title 63, Chapter 1, is amended by adding the following new section:

63-1-312.

(a) If, prior to the renewal of a certificate pursuant to § 63-1-308, a registered pain management clinic wishes to voluntarily inactivate its certificate, it shall file notification with the department. The notification shall state the date on which the pain

management clinic did or will cease to operate as a pain management clinic (the inactive date). In no case shall a certificate be considered inactivated on any date on which the clinic operated or will operate as a pain management clinic. No fees will be refunded as a result of the filing of an inactivity notice.

(b) The department may charge a fee to process inactivity notices received from pain management clinics.

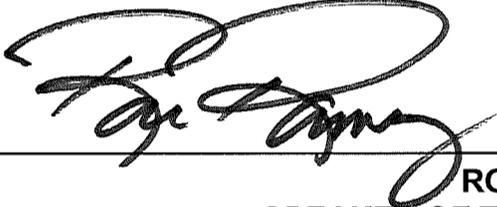
(c) This section shall not be used to circumvent enforcement or inspection activities conferred by this part to the department or a board for any alleged offense occurring during the time the pain clinic was registered or was required to be registered as a pain management clinic.

(d) If the pain management clinic thereafter wishes to register, it shall submit a new application, pay the requisite registration fee and meet such other reasonable requirements as deemed necessary by the department as if an original application was filed.

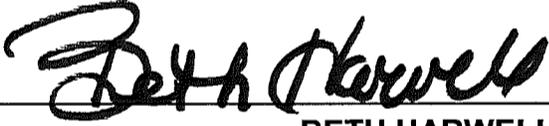
SECTION 7. This act shall take effect on becoming law, the public welfare requiring it.

SENATE BILL NO. 2587

PASSED: April 12, 2012



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 1st day of May 2012



BILL HASLAM, GOVERNOR

Think Quality - Think Future

Blount County Planning Department

Blount County Courthouse - 327 Court Street
Maryville, TN 37804-5906
Tel (865) 273-5750 - FAX (865) 273-5759
e-mail - planning@blounttn.org
on-line - www.blounttn.org/planning/

TO: Blount County Planning Commission

FROM: John Lamb

DATE: February 15, 2012

SUBJECT: Recommendation for amendments to the zoning regulations to address Pain Management Clinics.

At the January regular meeting, staff noted that the State Legislature passed a bill that established regulations for pain management clinics, to take effect January 1. Staff noted that other jurisdictions were considering additional regulations through zoning, including Rockford and Knoxville. The Planning Commission requested that staff return with recommendation on possible zoning regulations for pain management clinics.

The Planning Commission should consider three things in developing a set of zoning regulations for pain management clinics. First, what are pain management clinics? Second, is specific regulation of pain management clinics warranted to protect the public health, safety and welfare? Third, how should regulations be integrated into the present zoning regulations, including specific regulation provisions and specific zone or zones of application?

State statutes (see attached for reference) TCA 63-1-301(5) provides a definition of pain management clinic as follows:

"Pain management clinic" means a privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve-month period.

The differentiation of this type of clinic from other medical establishments is provided by exclusions in State statutes as follows:

63-1-302. This part does not apply to:

- (1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs.
- (2) A hospital as defined in Section 68-11-201, including any outpatient facility or clinic of a hospital;
- (3) Hospice services as defined in Section 68-11-201;
- (4) A nursing home as defined in Section 68-11-201;
- (5) A facility maintained or operated by this state; or
- (6) A hospital or clinic maintained or operated by the federal government.

For zoning purposes, the above resolves to a specialized land use devoted to prescribing and/or dispensing of drugs for long term use by patients to manage pain. The link between land use and protection of the public health, safety and welfare is the potential for abuse of prescription drugs, and a concentration of point of access to such drugs in a specialized use such as a pain management clinic. The legal drug abuse problem in Tennessee has been documented in a report by Satish Kedia, PhD, Institute for Substance Abuse Treatment Evaluation (I-SATE), The University of Memphis entitled "Prescription Drug Abuse: A Public Health Issue in Tennessee" which may be found at <http://www.isate.memphis.edu/Reports/PrescriptionDrugs.pdf>. In addition, the fact that the State of Tennessee has defined the use and applied specific regulation provides support for considering the use as a special focus for zoning to protect the public health, safety and welfare.

Within the structure of zoning in Blount County, a pain management clinic may be allowed as a permitted use in several zones. The most direct avenue for permitted use is in the C-Commercial District Section 9.4 as follows:

- A. Permitted Uses: ... Medical and general offices, e.g., dentists, physicians, attorneys, real estate, insurance, etc.; ... Hospitals, clinics, and other medical facilities;

The RAC – Rural Arterial Commercial District Section 9.10 also may allow the use as follows:

- A. Permitted Uses: ... office of a physician, dentist, or other similar medical professional; ...

The S-Suburbanizing District Section 9.1 may allow the use as a special exception by reference to permitted uses in the C-Commercial District as follows (underlined for emphasis):

C. Uses Permitted as Special Exceptions with Specific Limitations: Any commercial activity not specifically identified in sub-sections A or B above and which is allowed as a permitted use in the Commercial District in Section 9.4.A, provided that any such use shall be located only with access and frontage on an arterial or collector status road as specified on the Major Road Plan of any regional planning commission within the county as registered with the Register of Deeds office, and provided that any such use shall be conducted on a lot or tract of at least one acre, that any such use shall be housed in a structure with footprint no greater than 4,000 square feet and no greater than two stories, and that buffering of the use from surrounding residential land shall be constructed and maintained. Indoor Sport Shooting Range (subject to provisions and requirements in Section 7.13).

The Planning Commission needs to consider strategy for accommodating pain management clinics within at least one zone, possibly with conditions. The most appropriate avenue for applying conditions is through the special exception process, which allows more focused regulation of a use including specific location requirements within the zone.

Probably the most appropriate zone to allow pain management clinics would be the C-Commercial District which already allows this type or similar type of use. Consideration may also be given to the RAC-Rural Arterial Commercial District, but the Planning Commission may wish to consider not allowing the use in rural areas of the county. The Planning Commission may wish to consider not allowing the use under any circumstances in any of the predominantly residential zones – S-Suburbanizing, R-1 and R-2.

The following amendment language is provided as an example of how pain management clinics could be addressed in the Blount County zoning regulations.

That Article 13 Definitions be amended to add the following definition:

PAIN MANAGEMENT CLINIC: A privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve-month period. This definition does not apply to:

- (1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs.
- (2) A hospital as defined in TCA 68-11-201, including any outpatient facility or clinic of a hospital;
- (3) Hospice services as defined in TCA 68-11-201;
- (4) A nursing home as defined in TCA 68-11-201;
- (5) A facility maintained or operated by this state; or

(6) A hospital or clinic maintained or operated by the federal government.

That Section 9.4.C for the C-Commercial District be amended to read as follows:

C. Uses Permitted as Special Exceptions with Specific Limitations:

(a) Pain Management Clinics, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, *et seq.*; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 300 feet from any residential structure; clinic property abutting an S-Suburbanizing or R-1-Rural District 1 zoned property (not a public right-of-way) shall be secured from access across property line by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Blount County.

That Section 9.1.D for the S-Suburbanizing District be amended to read as follows

D. Uses Prohibited: In the S - Suburbanizing District, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics, and all other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.2.D for the R-1-Rural District 1 be amended to read as follows:

D. Uses Prohibited: In the R-1-Rural District 1, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics, and all other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.3.D for the R-2-Rural District 2 be amended to read as follows:

D. Uses Prohibited: In the R-2-Rural District 2, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics, and all other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

Section 9.10.D for the RAC-Rural Arterial Commercial District be amended to read as follows:

D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: pain management clinics, and all other uses are prohibited except those uses permitted or permitted as special exception specifically above.

Think Quality - Think Future

Blount County Planning Department

Blount County Courthouse - 327 Court Street
Maryville, TN 37804-5906
Tel (865) 273-5750 - FAX (865) 273-5759
e-mail - planning@blounttn.org
on-line - www.blounttn.org/planning/

TO: Blount County Commission

FROM: John Lamb

DATE: February 24, 2012

SUBJECT: Recommendation from Blount County Planning Commission for amendments to the zoning regulations to address Pain Management Clinics.

At the February regular meeting, the Planning Commission made the following recommendation for amendments to the zoning regulations for pain management clinics.

That Article 13 Definitions be amended to add the following definition:

PAIN MANAGEMENT CLINIC: A privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve-month period. This definition does not apply to:

- (1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs.
- (2) A hospital as defined in TCA 68-11-201, including any outpatient facility or clinic of a hospital;
- (3) Hospice services as defined in TCA 68-11-201;
- (4) A nursing home as defined in TCA 68-11-201;
- (5) A facility maintained or operated by this state; or
- (6) A hospital or clinic maintained or operated by the federal government.

That Section 9.4.C for the C-Commercial District be amended to read as follows:

C. Uses Permitted as Special Exceptions with Specific Limitations:

- (a) Pain Management Clinics, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, *et seq.*; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 500 feet from any residential structure; clinic property abutting an S-Suburbanizing or R-1-Rural District 1 zoned property (not a public right-of-way) shall be secured from access across property line by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Blount County.

That Section 9.1.D for the S-Suburbanizing District be amended to read as follows

- D. Uses Prohibited: In the S - Suburbanizing District, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.2.D for the R-1-Rural District 1 be amended to read as follows:

- D. Uses Prohibited: In the R-1-Rural District 1, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.3.D for the R-2-Rural District 2 be amended to read as follows:

- D. Uses Prohibited: In the R-2-Rural District 2, adult oriented establishments as defined in TCA 7-51-1101 *et seq.*, and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

Section 9.10.D for the RAC-Rural Arterial Commercial District be amended to read as follows:

- D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: pain management clinics. All other uses are prohibited except those uses permitted or permitted as special exception specifically above.

Think Quality - Think Future

Blount County Planning Department

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on-line - www.blounttn.org/planning/

TO: Blount County Planning Commission

FROM: John Lamb

DATE: April 17, 2012

SUBJECT: Amendments to the zoning regulations to address Pain Management Clinics - new wording to conform to new state legislation.

At the February regular meeting, the Planning Commission made recommendation for amendments to the zoning regulations for pain management clinics. Since that time, the Tennessee State Legislature amended the basic statutes defining and regulating pain management clinics. In order to insure consistency between state statutes and our local regulations, the following are proposed as revised amendments.

That Article 13 Definitions be amended to add the following definition:

~~PAIN MANAGEMENT CLINIC: A privately owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve month period.~~

PAIN MANAGEMENT CLINIC: A privately-owned facility in which a majority of the facility's patients, seen by any or all of its medical doctors, osteopathic physicians, advanced practice nurses with certificates of fitness to prescribe, or physician assistants, are provided pain management services by being prescribed or dispensed, opioids, benzodiazepines, barbiturates, or carisoprodol, but not suboxone, for more than ninety (90) days in a twelve (12) month period.

This definition does not apply to:

~~(1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs.~~

- (1) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs, including, but not limited to, clinics that have an agreement to train residents by members of that clinic who are appointed as adjunct faculty of the school or program;
- ~~(2) A hospital as defined in TCA 68-11-201, including any outpatient facility or clinic of a hospital;~~
- (2) A hospital as defined in § 68-11-201, including any outpatient facility or clinic of a hospital if such outpatient facility or clinic is regulated under title 68;
- (3) Hospice services as defined in TCA 68-11-201;
- (4) A nursing home as defined in TCA 68-11-201;
- (5) A facility maintained or operated by this state; or
- (6) A hospital or clinic maintained or operated by the federal government.

That Section 9.4.C for the C-Commercial District be amended to read as follows:

- C. Uses Permitted as Special Exceptions with Specific Limitations:
 - (a) Pain Management Clinics, with the following requirements: clinic shall meet and maintain all licensing and permit requirements of the State of Tennessee, including but not limited to those in TCA 63-1-301, *et seq.*; clinic location shall be 1000 feet from any school, day care facility, park, or church measured from property line to property line; clinic location shall be 500 feet from any residential structure; clinic property abutting an S-Suburbanizing or R-1-Rural District 1 zoned property (not a public right-of-way) shall be secured from access across ~~property lines~~ **such abutting property lines** by a fence no less than 6 feet in height; clinic location and access shall be on an arterial street as shown on the Major Road Plan for Blount County.

That Section 9.1.D for the S-Suburbanizing District be amended to read as follows

- D. Uses Prohibited: In the S - Suburbanizing District, adult oriented establishments as defined in TCA 7-51-1101 et seq., and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.2.D for the R-1-Rural District 1 be amended to read as follows:

- D. Uses Prohibited: In the R-1-Rural District 1, adult oriented establishments as defined in TCA 7-51-1101 et seq., and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

That Section 9.3.D for the R-2-Rural District 2 be amended to read as follows:

D. Uses Prohibited: In the R-2-Rural District 2, adult oriented establishments as defined in TCA 7-51-1101 et seq., and pain management clinics. All other uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

Section 9.10.D for the RAC-Rural Arterial Commercial District be amended to read as follows:

D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: pain management clinics. All other uses are prohibited except those uses permitted or permitted as special exception specifically above.

NOTICE OF PUBLIC HEARING. In accordance with Tennessee Code Annotated Sections 5-5-105 and 13-7-105, the Board of County Commissioners of Blount County, Tennessee, will hold public hearing on May 8, 2012 at 6:30 P.M., at the Blount County Courthouse Commission Meeting Room for the following proposed amendment to the Zoning Resolution of Blount County, Tennessee, being Resolution 00-06-010. A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE, ARTICLE 13, AND SECTIONS 9.4C(a), 9.1D, 9.2D, 9.3D, AND 9.10D, TO REGULATE PAIN MANAGEMENT CLINICS. Copy of the Resolution may be obtained at the office of the Secretary to the County Commission at the Blount County Courthouse, Court Street, Maryville, Tennessee during regular office hours.

APPROVED:

ATTEST:

Jerome Moon
Commission Chairman

Roy Crawford, Jr.
County Clerk

Ed Mitchell
County Mayor

RESOLUTION No. 12-05-006

Sponsored by Commissioners Peggy Lambert and Kenneth Melton

RESOLUTION EXPOSING UNITED NATIONS AGENDA 21

WHEREAS, the United Nations Agenda 21 is a comprehensive plan of extreme environmentalism, social engineering, and global political control that was initiated at the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, Brazil, in 1992; and

WHEREAS, the United Nations Agenda 21 is being covertly pushed into local communities throughout the United States of America through the International Council of Local Environmental Initiatives (ICLEI) through local “sustainable development” policies such as Smart Growth, Wildlands Project, Resilient Cities, Regional Visioning Projects, and other “Green” or “Alternative” projects; and

WHEREAS, this United Nations Agenda 21 plan of radical so-called “sustainable development” views the American way of life of private property ownership, single family homes, private car ownership and individual travel choices, and privately owned farms, all as destructive to the environment; and

WHEREAS, according to the United Nations Agenda 21 policy, social justice is described as the right and opportunity of all people to benefit equally from the resources afforded us by society and the environment which would be accomplished by socialist/communist redistribution of wealth.

NOW, THEREFORE, BE IT RESOLVED, that the Blount County Board of Commissioners, assembled in regular session this 17th day of May , 2012, recognizes the destructive and insidious nature of United Nations Agenda 21 and hereby exposes to the public and public policy makers the dangerous intent of the plan; and

BE IT FURTHER RESOLVED that the U.S. government, and no state or local government, is legally bound by the United Nations Agenda 21; and

BE IT FURTHER RESOLVED that the federal and state and local governments across the country should seek to be well informed of the underlying harmful implications of implementation of United Nations Agenda 21 destructive strategies for “sustainable development” and we hereby endorse rejection of its radical policies.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____
County Mayor

Date

Resolution No: 12-05-008

Commission Sponsors: Gary Farmer, Scott Helton, Kenneth Melton, Brad Harrison, Holden Lail, Tonya Burchfield, Rick Carver, Gerald Kirby, Tom Greene, Gordon Wright, Roy Gamble, Steve Samples, Monika Murrell, Mark Hasty, Mike Caylor, Mike Lewis, Tab Burkhalter

A Resolution to approve a Private Act relating to Hotel-Motel Taxes and a Tourism Board and approving the creation of a Tourism Development Authority

Whereas, during the month of February, Blount County, the City of Alcoa, and the City of Maryville requested the adoption of a private act creating a tourism development authority and approving certain changes relating to hotel-motel taxes; and,

Whereas, the approved proposed private act was sent for consideration to the Tennessee General Assembly; and,

Whereas, the General Assembly was very impressed by the concept of a multi-jurisdiction tourism development authority; and,

Whereas, the General Assembly decided to use Blount County's tourism development authority proposal as a best practice for other municipalities to follow; and,

Whereas, the General Assembly has now created a public law called the Tourism Development Authority Act (the "Public Act") that allows all Tennessee municipalities to participate in the same manner as the originally proposed private act; and,

Whereas, this new public law allows municipalities to form tourism development authorities that have the financial ability to operate without encumbering their forming governmental legislative bodies; and,

Whereas, the General Assembly unanimously approved the Public Act; and,

Whereas, the General Assembly unanimously approved the Private Act, as modified, which Private Act was identified as House Bill 3874 (the "Private Act"); and,

Whereas, Governor Bill Haslam has reviewed and approved both acts and has signed them into Tennessee law; and,

Whereas, the City of Maryville and Alcoa, Tennessee have ratified the public and private acts during their scheduled May council meetings.

Now Therefore Be It Resolved, by the Board of County Commissioners (the "Board of County Commissioners") of Blount County, Tennessee (the "County") as follows:

1. The County hereby approves the Private Act as enacted by the Tennessee General Assembly, and the County Mayor of the County is hereby directed to proclaim said approval and certify such approval to the Secretary of State of Tennessee.

2. The County acknowledges that it is and was the legislative intent of the Private Act for the existing members of the Tourist Commission created under the Section 9 of the original private act (the "Original Private Act") that was amended and restated by the Private Act and that represented specific civil districts (and are not County officials) would continue to serve on the Smoky Mountain Tourism Board (the "Board") that is created pursuant to the Private Act. Therefore, the County confirms that the members of the Tourist Commission presently representing the civil districts that include the City of Alcoa will be the two directors of the Board who reside or operate a business within Alcoa and that the members of the Tourist Commission presently representing the civil districts that include the City of Townsend will be the two directors of the Board who reside or operate a business within the Townsend or Walland area. The remaining directors shall be appointed as provided by the Private Act.

3. The Board of County Commissioners hereby establishes jointly with the City of Alcoa, Tennessee and the City of Maryville, Tennessee and authorizes the creation of a tourism development authority pursuant to the Public Act to be known as the Smoky Mountain Tourism Development Authority (the "Authority"). The presiding officer of the Board of County Commissioners is directed to proclaim and countersign evidence of such authorization and certify the same to the Secretary of State of Tennessee.

4. The Board of County Commissioners, along with each of the other governments creating the Authority, indicates its willingness to appropriate sufficient funds, if necessary, to provide for the initial administration of the Authority. **No such funds shall be necessary in this case.**

5. The initial board of directors of the Authority shall be the members of the Board created under the Private Act, and future directors shall be selected in the same manner as is provided for the selection of the members of the Board provided in the Private Act, and such directors shall have the same terms and qualifications as such members of the Board.

6. Upon the certification of the creation of the Authority to the Secretary of State of Tennessee, the Board created pursuant to the Private Act shall terminate and all duties and responsibilities shall transfer to the Authority as provided by the Private Act.

Adopted this _____ day of May, 2012

County Commission Chairman

County Clerk

10769547.2

HOUSE BILL NO. 3874

PASSED: APRIL 27, 2012



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 1st day of May 2012



BILL HASLAM, GOVERNOR



State of Tennessee

HOUSE BILL NO. 3874

By Representatives Swann, Ramsey

Substituted for: Senate Bill No. 3802

By Senator Overbey

AN ACT to amend Chapter 102 of the Private Acts of 1979; as amended by Chapter 23 of the Private Acts of 1983; Chapter 181 of the Private Acts of 1988; Chapter 26 of the Private Acts of 1993; Chapter 17 of the Private Acts of 2003 and Chapter 15 of the Private Acts of 2009; and any other acts amendatory thereto relative to the Blount County occupancy tax and a Tourism Board for Blount County, Alcoa and Maryville.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 102 of the Private Acts of 1979; as amended by Chapter 23 of the Private Acts of 1983; Chapter 181 of the Private Acts of 1988; Chapter 26 of the Private Acts of 1993; Chapter 17 of the Private Acts of 2003; Chapter 15 of the Private Acts of 2009; and any other acts amendatory thereto is amended by deleting all such language therein and substituting instead the following:

Section 1. As used in this act, unless the context requires otherwise, the following terms shall have the meanings indicated:

- (a) "Alcoa" means the City of Alcoa.
- (b) "Board" means the Tourism Board created pursuant to Section 9 whose purpose it shall be to promote tourism and convention business in Blount County.
- (c) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel or campground valued in money whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property and service of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged or received from any person.
- (d) "County" means Blount County, Tennessee.
- (e) "Governing body" means each of the following: County Commission of Blount County, the Board of Commissioners of the City of Alcoa and the City Council of the City of Maryville, Tennessee, and "governing bodies" means collectively all of such legislative bodies.
- (f) "Hotel" means any structure, or any portion of any structure, or any campground space, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp, campground, tourist cabin, motel, or any place in which rooms, lodging or accommodations are furnished to transients for consideration.
- (g) "Maryville" means the City of Maryville, Tennessee.
- (h) "Municipalities" means, collectively, the County, Alcoa and Maryville.

(i) "Occupancy" means the use or possession or the right to use of possession of any room, lodging, or accommodations in a hotel for a period of less than thirty (30) continuous days.

(j) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise, and shall include governmental entities.

(k) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(l) "Tax collection official" means the county clerk.

(m) "Tax Revenues" means all revenues allocated to the board from the privilege tax authorized to be levied pursuant to this act.

(n) "Tourism" means the planning and conducting of programs of information and publicity designed to attract to the County tourists, visitors and other interested persons from outside the area and also encouraging and coordinating the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the area, and shall also include the acquisition, construction, and remodeling of facilities useful in the attraction and promoting of tourists, conventions, and recreational business.

(o) "Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings, accommodations in a hotel room or campground for a period of less than thirty (30) days.

Section 2. The County is hereby authorized to levy a privilege tax upon the privilege of occupancy in any hotel by a transient in an amount not to exceed five percent (5%) of the consideration charged by the operator. The rate of the tax shall be set annually before the July term by the governing body of the County, provided, however, that the board shall provide a recommendation to the County as to the amount of such tax at least twenty (20) days prior to the vote each year establishing the amount of such tax. Such tax is a privilege tax upon the transient occupying the room or space and shall be paid by such transient.

Section 3. The tax shall be added by each operator to each invoice prepared by the operator for the occupancy of such person's hotel. Such invoice shall be given directly or transmitted to the transient, and a copy thereof shall be filed each month by the operator and retained as provided by Section 7 hereof.

Section 4.

(a) The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any hotel for occupancy to the county clerk not later than the twentieth (20th) day of each month next following such collection from the transient. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, whether prior to, during or after occupancy, as may be the custom of the operator. The county clerk of the County will provide a list of the operators who remit the tax levied by this act each month to the property assessor of the County for review.

(b) For the purpose of compensating the operator for the expense of accounting for and remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and accounted for and remitted to the county clerk in the form of a deduction in submitting such operator's report and paying the amount due by such operator, provided, however, that the amount due was not delinquent at the time of payment.

(c) For the purpose of compensating the County for collecting the tax, the tax collector official shall be allowed to retain two percent (2%) of the amount of tax remitted by an operator.

Section 5. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will be added to the rent, or that, if added, any part will be refunded.

Section 6.

(a) Taxes collected by an operator which are not remitted to the tax collection official on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at a rate of eight (8%) per annum; and in addition shall pay a penalty on such taxes of one percent (1%) for each month or fraction thereof that such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted.

(b) Each occurrence of knowing refusal of an operator to collect or remit the tax or knowing refusal of a transient to pay the tax imposed is a separate violation of this act and may result in the imposition of a civil penalty, to be imposed separately for each violation, not to exceed fifty dollars (\$50.00) upon a finding of such knowing refusal by a court of competent jurisdiction. As used in this section, "each occurrence" means each day.

(c) Nothing in this section shall be construed to prevent the county clerk or other authorized collector of the tax from pursuing any civil remedy available to the collector by law, including issuing distress warrants and the seizure of assets, to collect any taxes due or delinquent under this act.

Section 7. It is the duty of every operator liable for the collection and payment of any tax imposed by this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax, which records the tax collection official shall have the right to inspect at all reasonable times.

Section 8. In administering and enforcing the provisions of this act, the tax collection official shall have as additional power the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, Title 67, or otherwise provided by law. Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Section 67-1-911, it being the intent of this act that the provisions of law which apply to the recovery of taxes illegally assessed and collected shall apply to the tax collected under the authority of this act; provided, the tax collection official shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-911, with respect to adjustment and settlement with taxpayers of all the errors of taxes collected by the tax collection official under the authority of this act and to direct the refunding of same. Notice of any tax paid under protest shall be given the tax collection official, and suit for recovery shall be brought against such tax collection official.

Section 9. For the purposes set forth herein, including the promotion of tourism and conventions, authorization is hereby granted to establish, and there is hereby established, an entity to be known as the Smoky Mountain Tourism Board and referred to in this act as the "board". The board shall have a board of directors in which all powers of the board will be vested. The board of directors shall be comprised of ten (10) directors, who shall be selected as follows and as provided in Section 11:

- (1) A person who shall be either the County Mayor or a member of the governing body of the County and who shall be appointed by the governing body of the County;
- (2) A person who shall be appointed by the governing body of Alcoa;
- (3) A person who shall be appointed by the governing body of Maryville;
- (4) A person who shall be appointed by the board of directors of the Blount County Chamber of Commerce;

(5) Two (2) persons who reside or operate a business within Alcoa, who shall be selected as provided in Section 11;

(6) Two (2) persons who reside or operate a business within the City of Townsend or Walland area, who shall be selected as provided in Section 11; and

(7) Two (2) persons who reside or operate a business within Maryville, who shall be selected as provided in Section 11.

The directors of the board shall serve without compensation, except for reimbursement of necessary expenses incurred by directors in performance of their duties. All directors shall be residents of Blount County,

Section 10. The term of each director on the board shall be for six (6) years, provided that any director shall continue to serve beyond the end of his or her term until his or her successor has been appointed, provided that the board at its first organization meeting shall establish the terms of the initial directors so that the directors serve staggered terms and an approximately equal number of directors have terms that expire in each year. The board shall provide to each governing body the initial terms assigned to each director. The term of a director is renewable, subject to reappointment as provided in Section 11.

Section 11. The directors selected by the municipalities pursuant to subdivisions (1), (2) or (3) of Section 9 or by the Blount County Chamber of Commerce pursuant to subdivision (4) of such Section shall become directors of the authority without any further action by the municipalities, and upon any vacancy in the office of any such director, such vacancy shall be filled by appointment of the appropriate entity. Except for the foregoing directors, the directors of the board shall be jointly elected by the governing bodies of the municipalities as provided in this Section 11. Upon the initial election of these directors, upon the appointment or reappointment of a director following the conclusion of a term in office, or upon any vacancy in term of such director, by reason of death, resignation or other cause, a membership advisory committee comprised of three (3) directors of the board shall create a list of eligible candidates (with not less than three (3) candidates on such list for each open director position) and shall submit such list to the board for consideration. When such list of eligible directors of the board is approved by resolution of the board, such list shall be submitted for consideration to the governing bodies of the municipalities in order of preference. The governing bodies of the municipalities shall appoint by resolution the director(s) from such list with each such director requiring the approval of the governing body of each municipality. If a person is chosen to fill a vacancy as a director of the board, such director shall hold office for the unexpired term with respect to which such vacancy occurred.

Section 12 . A majority of the whole board shall constitute a quorum for the transaction of any business. Unless a greater number or percentage is required, or otherwise by state law, the vote of a simple majority of the directors of the board present at any meeting at which a quorum is present shall be the action of the authority. To the extent permitted by applicable law, the board may permit any or all directors to participate in an annual, regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

Section 13. Public notice of all meetings, whether annual, regular or special, of the board, shall be given in accordance with the open meetings law compiled in Tennessee Code Annotated, title 8, chapter 44.

Section 14. The officers of the board shall consist of a Chairman, Vice Chairman, Secretary, Treasurer, and such other officers as the board shall from time to time deem necessary or desirable. The offices of Secretary and Treasurer may be held by the same person.

Section 15. The initial officers of the board shall be elected by the board of directors at its first meeting following the appointment of the directors as provided in this act or as soon thereafter as may be convenient. Each initial officer shall hold office until

the first annual meeting of the board, which shall be held in January 2013, and thereafter until his or her successor has been duly elected and qualified. Subsequent officers of the board shall be elected at the annual meeting of the board. Each such officer shall be elected for a one-year term but shall continue to hold office until his or her successor has been duly elected and qualified. The annual meeting of the board shall be held in January of each year.

Section 16. The Chairman shall preside at all meetings of the directors, discharge all the duties which devolve upon a presiding officer, and perform such other duties as may be prescribed by the board.

Section 17. The Vice-Chairman shall perform such duties as may be assigned to him or her. In the case of the death, disability or absence of the Chairman, the Vice Chairman shall perform and be vested with all the duties and powers of the Chairman. The Secretary shall keep the record of the minutes of the proceedings in each meeting and shall have custody of all books, records, and papers of the board, except such as shall be in charge of the Treasurer or such other person or persons authorized to have custody and possession thereof by a resolution of the board. The Treasurer shall keep account of all money received and disbursed and shall deposit same with a bank or trust company which is a member of the Federal Deposit Insurance Corporation.

Section 18. Other officers shall perform such duties as shall be designated by the board.

Section 19. Each of such officers may be removed at any time by the affirmative vote of a majority of the whole board.

Section 20. The proceeds from the tax levied herein (after the deductions provided in Section 4) shall be apportioned and distributed by the county trustee as follows on at least a monthly basis:

(a) Fifty (50%) percent of the proceeds of the tax shall be distributed to the board to be used for any purpose of the board including the promotion of tourism, the maintenance, staffing and supplying of public visitor centers in the County, and the undertaking of any projects, including the financing thereof;

(b) Thirty (30%) percent of the proceeds of the tax shall be deposited in the general fund of the County; and

(c) Twenty (20%) percent of the tax shall be distributed to the board and shall be used by the board to pay the cost of that certain parcel of property to be acquired by the board located directly adjacent to the existing Townsend Visitors Center located at 7906 East Lamar Alexander Parkway. Once all costs relating to the acquisition of such property are fully paid, then seventy (70%) percent of the proceeds from the tax levied herein shall be apportioned to the board and used as provided in subsection (a), above.

Section 21. The tax collected by the tax collection official shall be remitted to the county trustee and distributed by the trustee in accordance with the terms of this act and the laws of the state of Tennessee.

Section 22. The privilege tax levied by this act shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

Section 23. The board created by this act may become the initial board of a Tourism Development Authority if the municipalities create a Tourism Development Authority as provided by general law and upon approval of all creating municipalities at which point the board created pursuant to this act shall terminate and then the existing terms of office of each particular board member shall remain until the expiration of each board member's term of office. In addition:

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(1) All duties and responsibilities of the board shall be transferred to the Tourism Authority.

(2) All documents in the possession of the board shall be transferred to and remain in the custody of the Tourism Development Authority.

(3) All leases, contracts and contract rights and responsibilities in existence with the board with respect to the duties transferred shall be preserved and transferred to the Tourism Development Authority.

(4) All assets, liabilities, properties and obligations of the board with respect to the duties transferred shall become the assets, liabilities, properties and obligations of the Tourism Development Authority.

Section 24. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

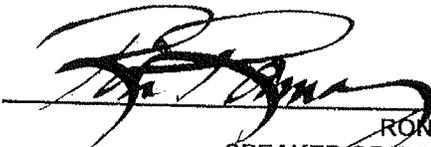
SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing bodies of Blount County, Alcoa, and Maryville. Its approval or non-approval shall be proclaimed by the presiding officer of each governing body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

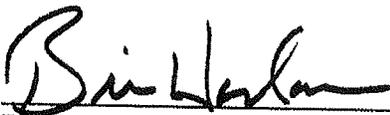
HOUSE BILL NO. 1959

PASSED: APRIL 25, 2012


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 27th day of April 2012


BILL HASLAM, GOVERNOR



State of Tennessee

HOUSE BILL NO. 1959

By Representatives Swann, Montgomery, Ramsey

Substituted for: Senate Bill No. 1452

By Senators Overbey, Finney

AN ACT to amend Tennessee Code Annotated, Title 7 and Title 67, relative to the taxation of hotels and occupancy taxes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 7, is amended by adding Sections 2 through 17 of this act as a new, appropriately designated chapter.

SECTION 2. This chapter shall be known and may be cited as the "Tourism Development Authority Act".

SECTION 3.

(a)

(1) Any municipality or county incorporated or existing under the laws of Tennessee, or any combination of any municipality or county incorporated or existing under the laws of Tennessee has authority to establish a Tourism Development Authority, hereafter referred to as "authority", within the area of the local governments establishing the authority. The establishment of such an authority may also include the participation of a local chamber of commerce in such manner and to the extent authorized by the local governments creating the authority.

(2)

(A) It is declared that any tourism development authority created pursuant to this chapter:

(i) Is a public body corporate and politic, performing a public function on behalf of its creating municipalities;

(ii) Is a public and governmental body acting as an agency and instrumentality of the municipality or county or any combination of any municipality or county with respect to which the authority is organized; and

(iii) That the acquisition, operating and financing of any project by such authority is declared to be for a public and governmental purpose and a matter of public necessity.

(B) The authority and all properties at any time owned by it, and the income and revenues from such properties, and all bonds issued by the authority, and the income from the bonds, shall be exempt from all state, county and municipal taxation except for inheritance, transfer and estate taxes, and except as otherwise provided in this code.

(C) For purposes of the Tennessee Securities Act of 1980, compiled as title 48, chapter 2, part 1, bonds issued by the authority shall be deemed to be securities issued by a public instrumentality or a political subdivision of the state of Tennessee.

(b)

(1) An authority shall come into existence under the terms of this chapter when any government votes or a combination of governments specified in subsection (a) each vote by majority vote of its governing body to establish an authority. Evidence of such authorization shall be proclaimed and countersigned by the presiding officer of each participating county or municipality and certified by such officer to the secretary of state.

(2) The governing bodies of all governments voting to become members of an authority shall indicate their willingness to appropriate sufficient funds to provide for the initial administration of the authority as a part of the authorization process.

(3) The creating municipality or municipalities are authorized to provide funding and appropriate money to the authority in such manner as directed by the governing bodies, which may include appropriation from the general fund or from an occupancy tax imposed by the municipality or municipalities to the extent authorized by the governing body of each such municipality.

(c) As used in this act:

(1) "Board" means the board of directors of the authority;

(2) "Governing body" means the legislative body of the creating municipality or municipalities;

(3) "Municipality" means any municipality or county incorporated or existing under the laws of Tennessee, or any combination of any municipality or county incorporated or existing under the laws of Tennessee; provided that such term does not mean nor include any county having a population of over nine hundred thousand (900,000) according to the 2010 federal census or any subsequent federal census or any municipality located within such county;

(4) "Project" means any facilities or group of facilities to be owned or controlled (either through ownership, lease or an easement) by the authority or other governmental entity and that is available for use by the public including, without limitation, visitor centers, recreational facilities such as greenways and trails, and other governmentally-owned tourist attractions, provided, that any such project shall be determined by the authority to promote tourism in the municipality or municipalities creating the authority; and

(5) "Tourism" means the planning and conducting of programs of information and publicity designed to attract tourists, visitors and other interested persons from outside the area of the municipality or municipalities creating the authority and also encouraging and coordinating the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the area, and shall also include the acquisition, construction, and remodeling of facilities useful in the attraction and promoting of tourists, conventions, and recreational business.

SECTION 4.

(a) The authority shall have the following powers, together with all powers incidental to the following powers or necessary for the performance of those powers, to:

(1) Sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(2) Acquire, whether by purchase, construction, exchange, gift, lease, or otherwise, and design, plan, site, improve, repair, extend, equip, furnish, operate and maintain one (1) or more projects, which projects shall be within the jurisdictional boundaries of the governmental entities establishing the authority,

including all real and personal properties that the board of directors of the authority may deem necessary in connection with the projects and regardless of whether or not any such projects shall then be in existence, and including the power to demolish any existing structures as may be on sites acquired when such structures are not needed for the project;

(3) To appoint agents and employees, describe their qualifications and fix their compensation;

(4) Operate, maintain, manage, and enter into contracts for the operation, maintenance and management of any project undertaken, and to make rules and regulations with regard to such operation, maintenance and management;

(5) Employ, contract with, fix the compensation of, and discharge engineering, architectural, legal, financial and other professional experts, consultants, agents and employees as may be necessary to carry out the purposes of this chapter and to provide for the proper construction, operation and maintenance of any project;

(6) Lease, rent and contract for the operation of all or any part of any project, and charge and collect rent for the project and terminate any such lease upon the failure of the lessee to comply with any of the obligations of the lease and include in or exclude from any such lease provisions that the lessee shall have the option to renew the term of the lease for such period or periods and at such rent as shall be determined by the board of directors;

(7) Lease such space in a project as from time to time may not be needed for related purposes to any other person, corporation, partnership or association for such purposes as the board of directors may determine are in the best interest of the authority or will help facilitate the purposes for which the authority was created, and upon such terms and in such manner as the board may determine;

(8) Fix and collect fees and charges for the use of any and all of the projects of the authority;

(9) Make contracts, including without limitation contracts with service providers;

(10) Sell, exchange, donate, and convey any or all of its properties, whenever the board of directors shall find any such action to be in furtherance of the purposes for which the authority was organized;

(11) Procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employer's liability, against any act of any member, officer or employee of the authority in the performance of the duties of such person's office or employment or any other insurable risk, as the board of directors, in its discretion, may deem necessary;

(12) Accept donations, contributions, revenues, capital grants or gifts from any individuals, associations, public or private corporations, and municipalities, the State of Tennessee or the United States, or any agency or instrumentality of the State of Tennessee or the United States, for or in aid of any of the purposes of this act and enter into agreements in connection with the donations, contributions, revenues, capital grants or gifts;

(13) Obtain such licenses, permits, approvals and accreditations as the authority deems necessary in connection with any project;

(14) Borrow money from time to time and, in evidence of any obligation incurred, issue and, pursuant to Section 12, sell its revenue bonds in accordance with this chapter and the applicable provisions of title 9, chapter 21, in such form

and upon such terms as its board of directors may determine, payable out of any revenues of the authority, including grants or contributions or other revenues specifically provided to the authority, for the purpose of financing the cost of any project and refund and refinance, from time to time, bonds so issued and sold, as often as may be deemed to be advantageous by the board of directors;

(15) Mortgage and pledge as security for the payment of the principal of and interest on any bonds so issued and any agreements made in connection with the bonds, any or all of the projects or any part or parts of the projects, whether then owned or thereafter acquired; and

(16) Exercise all powers expressly given herein and establish bylaws and make all rules and regulations not inconsistent with this chapter, deemed expedient for the management of the affairs of the authority.

(b) The authority shall not be required to have a seal.

SECTION 5.

(a) The authority shall have a board of directors in which all powers of the authority shall be vested. Such board shall consist of any number of directors, no fewer than (5). The creating municipality or municipalities are authorized to establish the qualifications for the board members, which may include the number of board members that must be qualified voters, taxpayers, property owners or residents.

(b) The creating municipality or municipalities, if more than one (1) municipality has jointly created an authority, shall determine the number of directors, whether and to what extent the members of the local legislative bodies and the local chamber of commerce shall serve as members, the manner each director shall be appointed or elected and the manner of filling vacancies.

(c) The directors of the authority shall serve without compensation, except for reimbursement of necessary expenses incurred by directors in performance of their duties. All directors shall be residents of the county for which the authority is acting.

(d)

(1) The creating municipality or municipalities shall establish the term of office of each director of the authority, provided that any director shall continue to serve beyond the end of the director's term until the director's successor has been appointed. At the first organizational meeting of the authority, the creating municipality shall establish the terms of the initial directors so that the directors serve staggered terms and an approximately equal number of directors have terms that expire in each year.

(2) If a creating municipality had established a tourism board, upon approval of the municipality or all municipalities if more than one (1) municipality was a part of establishing a tourism board, the board of the tourism board may become the initial board of the authority in such manner as directed by the creating municipality or municipalities.

(3) The authority shall provide to each governing body the initial terms assigned to each director.

(4) The term of a director is renewable, subject to reappointment.

SECTION 6. A majority of the board of the authority shall constitute a quorum for the transaction of any business. Unless a greater number or percentage is required, or otherwise by state law, the vote of a simple majority of the directors of the authority present at any meeting at which a quorum is present shall be the action of the authority. The board may participate by electronic or other means of communication for the benefit of the public and the board in connection with any meeting authorized by law. To the extent the such participation occurs, the provisions of § 8-44-108 shall apply.

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SECTION 7. All meetings of the board of directors are declared to be public meetings open to the public pursuant to title 8, chapter 44, part 1.

SECTION 8.

(a) The officers of the authority shall consist of a chairman, vice-chairman, secretary, treasurer, and such other officers as the authority shall from time to time deem necessary or desirable. The offices of secretary and treasurer may be held by the same person. The chairman shall preside at all meetings of the directors, discharge all the duties which devolve upon a presiding officer, and perform such other duties as may be prescribed by the authority.

(b) The vice-chairman shall perform such duties as may be assigned to the vice-chairman. In the case of the death, disability or absence of the chairman, the vice-chairman shall perform and be vested with all the duties and powers of the chairman. The secretary shall keep the record of the minutes of the proceedings in each meeting and shall have custody of all books, records, and papers of the authority, except such as shall be in charge of the treasurer or such other person or persons authorized to have custody and possession thereof by a resolution of the authority. The treasurer shall keep account of all money received and disbursed and shall deposit such funds with a bank or trust company which is a member of the Federal Deposit Insurance Corporation or invest such funds in investments that would be eligible investments for a county.

(c) Other officers shall perform such duties as shall be designated by the authority.

(d) Each of such officers may be removed at any time by the affirmative vote of a majority of the board of the authority.

SECTION 9. The initial officers of the authority shall be elected by the board of directors at its first meeting following the appointment of the directors or as soon thereafter as may be convenient. Each initial officer shall hold office until the first annual meeting of the authority, which shall be held in January following the year the authority is created and thereafter until his or her successor has been duly elected and qualified. Subsequent officers of the corporation shall be elected at the annual meeting of the authority. Each such officer shall be elected for a one-year term but shall continue to hold office until his or her successor has been duly elected and qualified. The annual meeting of the authority shall be held in January of each year.

SECTION 10.

(a) The board of directors of each authority shall cause an annual audit to be made of the books and records of the authority. With prior approval of the comptroller of the treasury, the audit may be performed by a licensed certified public accountant selected by the authority. If a licensed certified public accountant is employed, the audit contract between the authority and the licensed certified public accountant shall be on contract forms prescribed by the comptroller of the treasury. The cost of any audit shall be paid by the authority. The comptroller of the treasury, through the department of audit, shall be responsible for determining that the audits are prepared in accordance with generally accepted government auditing standards and that the audits meet the minimum standards prescribed by the comptroller of the treasury.

(b) In the event the governing body of the authority fails or refuses to have the audit prepared, then the comptroller of the treasury may appoint a licensed certified public accountant, or direct the department of audit, to prepare the audit, the cost of the audit to be paid by the authority.

(c) Each authority shall prepare an annual report of its business affairs and transactions. A copy of such report and a copy of the annual audit referenced in subsection (a) shall be filed annually with the governing body of the municipality granting permission to the authority to organize.

(d) Before the commencement of each fiscal year, each authority shall adopt a budget for such fiscal year and file such budget with the municipality granting permission to the authority to organize.

SECTION 11.

(a) For the purpose of aiding and cooperating with the authority, each municipality may assign or loan any of its employees, including its engineering staff and facilities, and may provide necessary office space, equipment, and other facilities for the use of the authority, as the governing body of such municipality shall approve.

(b) Each municipality may make donations of property, real or personal, or cash grants to the authority, and may loan funds to the authority in such amount or amounts as it may deem proper and appropriate in aiding the authority to accomplish its purpose.

(c) Each municipality may convey real property or personal property to the authority, and the authority is authorized to accept such a conveyance.

SECTION 12.

(a) The authority shall have power and is authorized to issue its bonds in accordance with this chapter and in accordance with the Local Government Public Obligations Law, compiled in title 9, chapter 21, and for such purposes the bonds shall be treated as revenue obligations of the authority under this chapter, in order to finance:

(1) The costs of any project;

(2) The payment of the costs of issuance of such bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal and other similar expenses;

(3) Reimbursement of the authority for moneys previously spent by the authority for any of the foregoing purposes; and

(4) The establishment of reasonable reserves for the payment of debt service on such bonds, for repair and replacement of any project, or for such other purposes as the board shall deem necessary and proper in connection with the issuance of any bonds and operation of any project for the benefit of which the financing is being undertaken.

(b) The authority shall have the power and is hereby authorized to issue its bonds to refund and refinance outstanding bonds of the authority heretofore or hereafter issued or lawfully assumed by the authority; provided that in accordance with title 9, chapter 21, the authority shall request a report on any proposed refunding from the office of the comptroller. The proceeds of the sale of the bonds may be applied to:

(1) The payment of the principal amount of the bonds being refunded and refinanced;

(2) The payment of the redemption or tender premium thereon, if any;

(3) The payment of unpaid interest on the bonds being refunded, including interest in arrears, for the payment of which sufficient funds are not available, to the date of delivery or exchange of the refunding bonds;

(4) The payment of fees or other charges incident to the termination of any interest rate hedging agreements, liquidity or credit facilities, or other agreements related to the bonds being refunded and refinanced;

(5) The payment of interest on the bonds being refunded and refinanced from the date of delivery of the refunding bonds to maturity or to, and including, the first or any subsequent available redemption date or dates on which the bonds being refunded may be called for redemption;

(6) The payment of the costs of issuance of the refunding bonds, including underwriter's discount, financial advisory fee, preparation of the

definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal and other similar expenses, and the costs of refunding the outstanding bonds, including the costs of establishing an escrow for the retirement of the outstanding bonds, trustee and escrow agent fees in connection with any escrow, and accounting, legal and other professional fees in connection therewith; and

(7) The establishment of reserves for the purposes set forth in subdivision (a)(4) above. Refunding bonds may be issued to refinance and refund more than one (1) issue of outstanding bonds, notwithstanding that such outstanding bonds may have been issued at different times. The principal proceeds from the sale of refunding bonds may be applied either to the immediate payment and retirement of the bonds being refunded or, to the extent not required for the immediate payment of the bonds being refunded, to the deposit in escrow with a bank or trust company to provide for the payment and retirement at a later date of the bonds being refunded.

(c) No bonds shall be issued hereunder unless authorized to be issued or assumed by resolution of the board or directors of the authority. Bonds authorized to be issued hereunder may be issued in one (1) or more series, may bear such date or dates, mature at such time or times, not exceeding forty (40) years from their respective dates, bear interest at such rate or rates, payable at such time or times, be in such denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution or resolutions may provide. Bonds may be issued for money or property at competitive or negotiated sale for such price or prices as the board of directors, or its designee, shall determine. The authority may enter into such agreements in connection with the issuance of any bonds as its board of directors may approve, including without limitation, credit agreements and bond purchase agreements.

(d) Bonds may be repurchased by the authority out of any available funds at such price as the board of directors shall determine, and all bonds so repurchased shall be cancelled or held as an investment of the authority as the board of directors may determine.

(e)

(1) All bonds issued by the authority shall be payable solely out of the revenues of the authority, including tax revenues, as may be designated by the board of directors of the authority.

(2) The principal of and interest on any bonds issued by the authority shall be secured, as may be designated by the board of directors of the authority, by a pledge of the tax revenues by general law or private act allocable to the authority, by a pledge of the authority's rights under agreements, leases and other contracts, or by a mortgage or deed of trust covering all or any part of the projects from which the revenues so pledged may be derived. The proceedings under which the bonds are authorized to be issued and any such pledge agreement or mortgage or deed of trust may contain any agreements and provisions respecting the maintenance of the projects covered by the bonds, the fixing and collection of rents for any portions of projects leased by the authority to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable and not in conflict with the provisions of this act. Each pledge, agreement, or mortgage or deed of trust made for the benefit or security of any of the bonds of the authority shall continue effective until the principal of and interest on the bonds for the benefit of which the pledge, agreement, or mortgage or deed of trust were made shall have been fully paid. In the event of default in such payment or in any agreement of the authority made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage or deed of trust executed as security for the bonds, such payment or agreement may be enforced

by suit, mandamus, the appointment of a receiver in equity or by foreclosure of any such mortgage or deed of trust, or any one (1) or more of such remedies.

(f) Bonds and notes of the authority shall be executed in the name of the authority by such officers of the authority and in such manner as the board of directors may direct. If so provided in the proceedings authorizing the bonds, the facsimile signature of any of the officers executing such bonds may appear on the bonds in lieu of the manual signature of such officer.

(g) Any bonds and notes of the authority may be sold at public or private sale to the extent authorized for local governments, for such price and in such manner and from time to time as may be determined by the board of directors of the authority to be most advantageous, and the authority may pay all expenses, premiums and commissions that its board of directors may deem necessary or advantageous in connection with the issuance of the bonds.

SECTION 13. No municipality shall in any event be liable for the payment of the principal of or interest on any bonds of the authority or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever that may be undertaken by the authority, and none of the bonds of the authority or any of its agreements or obligations shall be construed to constitute an indebtedness of any municipality within the meaning of any constitutional or statutory provision whatsoever.

SECTION 14. Any municipality is authorized to aid or otherwise provide assistance to the authority, including entering into leases of projects, or parts of projects with an authority, for such term or terms and upon such conditions as may be determined by the governing body of such municipality, notwithstanding and without regard to the restrictions, prohibitions, or requirements of any other law, whether public or private.

SECTION 15. All leases, contracts, deeds of conveyance, or instruments in writing executed by the authority, shall be executed in the name of the authority by the chairman of the authority, or by such other officer as the board of directors of the authority, by resolution, may direct.

SECTION 16. As a public body, no part of the net earnings of the authority remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event the board of directors of the authority shall determine that sufficient provision has been made for the full payment of the expenses, bonds, and other obligations of the authority, then any net earnings of the authority thereafter accruing shall be paid to the municipality or municipalities with respect to which the authority was organized; provided, that nothing contained in this section shall prevent the board of directors from transferring all or any part of its properties in accordance with the terms of any lease entered into by the authority.

SECTION 17. Whenever the board of directors of the authority, by resolution, determines that there has been substantial compliance with the purposes for which the authority was formed, and all bonds theretofore issued and all obligations theretofore incurred by the authority have been fully paid, then the members of the board of directors shall thereupon execute and file for record in the office of the secretary of state a certificate of dissolution reciting such facts and declaring the authority to be dissolved. Upon the filing of such certificate of dissolution, the authority shall stand dissolved, the title to all funds and properties owned by it at the time of such dissolution shall vest in the municipality and if created by a combination of any municipality and county, in the manner approved by such entities, and possession of such funds and properties shall forthwith be delivered to such municipality. Upon dissolution of the authority, any of its assets shall be distributed as shall be directed by the municipality or by agreement of the municipalities but in no event shall such costs be distributed to any person other than a governmental entity.

SECTION 18. This act shall take effect upon becoming a law, the public welfare requiring it.